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COUNCIL JOURNAL

OF THE

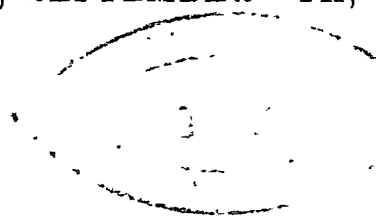
LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF COLORADO.

FIRST SESSION.

BEGUN AND HELD AT DENVER, SEPTEMBER 9TH, A. D., 1861.



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PUBLISHED BY AUTHORITY.  
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DENVER:

THOS. GIBSON, COLORADO REPUBLICAN AND HERALD OFFICE-
1862.

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1861

COUNCIL JOURNAL

OF THE

FIRST LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF COLORADO.

In pursuance of the Organic Act of the Territory of Colorado, by proclamation of the Governor, the Council assembled at their hall in the city of Denver, on Monday, the ninth day of September, A. D. 1861.

They were called to order by the Honorable Lewis Ledyard Weld, Secretary of the Territory.

The following gentlemen were found to be elected from the following Districts, to-wit:

First District—H. J. Graham.

Second District—Amos Steck.

Third District—C. W. Mather.

Fourth District—H. F. Parker.

Fifth District—A. U. Colby.

Sixth District—S. M. Robbins.

Seventh District—E. A. Arnold.

Eighth and Ninth Districts—R. B. Willis, J. M. Francisco.

The Honorable B. F. Hall, Chief Justice of the Territory, administered the oath of office to the said E. A. Arnold, A. U. Colby, H. J. Graham, C. W. Mather, H. F. Parker, S. M. Robbins, Amos Steck and R. B. Willis. J. M. Francisco being absent.

On motion of Mr. Steck, H. F. Parker was elected temporary Chairman, and

On motion of Mr. Arnold, S. M. Robbins was elected temporary Secretary.

On motion of Mr. Willis, the Council adjourned until three o'clock P. M.

MONDAY 3 O'CLOCK, P. M.

Council met pursuant to adjournment.

Present, Messrs Arnold, Colby, Graham, Mather, Parker, Robbins, Steck and Willis.

On motion of Mr. Willis, Council adjourned until Tuesday the 10th inst. at 10 o'clock A. M.

TUESDAY, 10 O'CLOCK A. M. Sept. 10th, 1861.

Council met pursuant to adjournment.

H. F. Parker in the Chair.

Present, Messrs. Arnold, Colby, Graham, Mather, Parker, Robbins, Steck and Willis.

On motion of Mr. Steck, Council proceeded to elect permanent officers by *viva voce* vote.

Mr. Steck nominated for President Mr. Arnold.

Mr. Graham nominated Mr. Steck.

Mr. Mather nominated Mr. Parker.

No choice for President being made, after voting several times,

On motion of Mr. Robbins, the election of President was postponed, and the Council proceeded to elect the other officers.

S. L. Baker was nominated for Secretary, and having received a majority of all the votes cast, was declared duly elected.

David A. Chever was nominated for Assistant Secretary, and having received a majority of all the votes cast, was declared duly elected.

Thomas F. Kinsey was nominated for Enrolling and Engrossing Clerk, and having received a majority of all the votes cast, was declared duly elected.

E. W. Kingsbury was nominated for Sergeant-at-Arms, and having received a majority of all the votes cast, was declared duly elected.

J. Pugh was nominated for Foreman, and having received a majority of all the votes cast, was declared duly elected.

Rev. W. A. Kinney was nominated for Chaplain, and having received a majority of all the votes cast, was declared duly elected.

Messrs. Scudder, Crocker and Chaffee, a committee from the House of Representatives, appeared, and reported it organized and ready for business.

On motion, the Council proceeded to elect a Messenger.

J. McNasser was nominated for the office, and having received a majority of all the votes cast, was declared duly elected.

On motion,

Council adjourned until 2 o'clock P. M.

AFTERNOON SESSION

Council met pursuant to adjournment.

H. F. Parker in the chair.

A quorum present.

On motion, Council proceeded to elect a President, and E. A. Arnold having received a majority of all the votes cast, was declared duly elected.

The President then administered the oath of office to Messrs. Chever, Kinsey, Kingsbury and Pugh.

On motion, the President appointed a committee consisting of Messrs Steck and Willis to inform his Excellency, the Governor, that the Council was organized and ready to receive any communication he might wish to make.

On motion, the President appointed Messrs. Steck and Parker a committee to inform the House of Representatives that the Council was permanently organized and ready to meet in joint convention.

The committees reported, and the Council proceeded to the House of Representatives:

Whereupon, both Houses being in joint convention, the Governor appeared and delivered the following:

GOVERNOR'S MESSAGE.

Fellow Citizens of the Legislative Assembly of Colorado Territory:

Accept my congratulations, gentlemen, that the auspicious hour has arrived for the meeting of the Legislative Assembly of the people of Colorado. Accept, also, the expressions of satisfaction with which I welcome you to inaugurate government on the foundation of the will and power of the people.

The stern and delicate duty which is confided to you, is to create and condense into system and order the elements of stable government for this commonwealth of the primeval mountains, to become, in the march of our great country, one of the family of the American Union.

It is enjoined upon me by the Organic Act, to submit to your deliberations the condition of our young republic, and recommend to you specially the essential subjects of Legislation.

I recommend to you the subdivision of our Territorial area into counties, suited to the wants and convenience of the people, with provision for the more minute sub-divisions of townships, districts and precincts for municipal government and police. These subdivisions ought to be as small as the density of population may render possible.

It is in these complete little republics where the sovereign power of the people is always in exercise, where self government has a perpetual vitality, and independent freedom is practiced and enjoyed. To harmonize these by judicious general laws, enjoining everywhere energy and uniformity of action, is to found a State upon a basis of solid power and enduring strength, compatible with the generous enjoyment of freedom.

It will also be your care to establish a system of social police; laws for the prevention and punishment of crime and immorality; a code of civil laws and procedure, for the pacific adjustment in matters of contract and dispute between citizens, and for the management and protection of estates of deceased persons, and the care of heirs and orphans. To these you will add, tribunals for the executive management of the revenues, of taxation, roads, education, charity and ministerial officers for the effective administration of public affairs in its minute details.

Pre-eminent among the principles which give vigor and stability to civilized society, is Education. The universal dissemination of schools, in which the people of all ages shall receive generous instruction, uniform and thorough in its character, inspires and maintains intelligence of a high standard. Upon a perfect system of colleges and schools for the people alone can we rely for a virtuous exercise of the elective franchise—for the steady discipline of civil society, and for the permanent power of order and religion over anarchy.

I specially commend this subject to your deliberation, satisfied that every page of history demonstrates the universal cultivation of the intellect of the social mass, to be the origin from which flow order, religion, wealth and prosperity.

Next in order, the military organization of our people demands your prompt action. The citizen must also be a soldier, and armed. The system of civil society is never safe from revolution, and the shock of sudden conspiracies, unless associated with, and fortified by an equally vigorous discipline of its physical powers.

The pressing necessity of military efficiency in discipline and arms, is rendered absolute, by the presence of twenty-five thousand resident Indians, intermingled with our people, and on the routes of communication over which all supplies reach our Territory.

I recommend the creation of a Territorial organization of the militia, so efficient as to meet the necessities of our present and prospective condition; to maintain an energetic state of preparation, always ready and effective, to enforce order and overbear every enemy.

There is distinctly discernable, in the industrial occupations of the people of Colorado, a classification of pursuits, flowing naturally from the influences of climate, and the close juxtaposition of vast mountains and plains; mining exclusively occupies a portion of our people; pastoral agriculture another portion; arable agriculture a third portion. With these are everywhere intermingled those who pursue commerce and manufactures.

In the early infancy of society, the first instincts of the people have developed themselves, to obtain the benefits of government, by the effort to create a general provisional government; subsequently, by voluntary associations, locally established and temporarily acquiesced in.

To harmonize this variety of tastes and industrial pursuits, under a genial system of laws, so judiciously gauged as to promote

the healthy vitality of each, and blend them into a state of mutual dependence and mutual support, is to attain the triumph of good government. Moderation, instructed and led by wisdom, will extinguish, from among the elements of society, the evil principles of hostility and envy, and plant in their place the good principles of generous rivalry and concord of energies.

Added to other fundamental departments of society, is the government of cities, towns and villages, and the erection of public and private corporations. The immense experience of our country, demonstrates the necessity of a discriminating caution, in this vital department of legislation, where the central source of power delegates its own functions in detail. The wise rule of action is, to restrict the powers of corporations within the same constitutional barrier, which prescribes and limits the powers of the Legislature itself, and restrains all delegated powers and privileges, in obedience to the primary sovereignty of the embodied people.

Having enumerated the departments of prominent importance in erecting the frame of government and distributing the administration of power among the body of society, I recur, with emphasis, to the departments of the judiciary and the militia.

To a pioneer people, entering upon the great work of establishing an harmonious commonwealth for themselves and their posterity, the vigorous action of these two departments constitutes the bulwark of their liberties, their safety from disorder, and their plain progress to success. Your care will be, to draw from accumulated experience, enactments so luminous, comprehensive and vigorous, as to awaken the response of the people, and command their energetic co-operation.

I transmit to you a copy of the census of the Territory, officially taken, and the returns of the general election, held under the Organic Act, which invests you with full powers and authority for constituent legislation, within the restrictions of the Federal Constitution.

The census reveals many valuable and very novel facts. The comparative proportions of our people devoted to mining within the mountains; to agriculture upon the great rivers, and those residing within the commercial towns, are clearly demonstrated. The aggregate population is 30,000. The predominance in numbers of male citizens over females and children, is a fact so remarkable as to have no recorded precedent in any new society voluntarily planted and perpetuated in the wilderness.

The result of the vote of the whole people, impartially taken and honestly recorded, is a conclusive declaration of their acceptance of the Organic Act, conceded by the Federal Congress, in response to their petitions. It is a sublime expression of their loyalty, satisfaction and devotion, to the existing Continental Union. It is a fervent prayer to the Supreme Throne of Grace, for the sanctity, the safety, and the perpetuity of the Constitution and the best of Governments. It is an unqualified pledge to perpetuate the ancient forms inspired by the patriarchal fathers; to secure the independent liberties of the

people; and to maintain the enjoyment of civil and religious liberty in practice among men.

I have had the agreeably opportunity to visit the citizens of our Territory at their homes, and to accept of their generous hospitalities. Three years have elapsed since the first pioneer settlement. The grand energies and activity of the people everywhere manifest, have already created a powerful and well balanced commonwealth. This experience and labor establishes many facts. The existence of the precious and base metals in absolutely inexhaustible abundance and variety; the universal fertility of the soil, as well upon the flanks of the great mountains, as upon the plains and within the parks; the uniform splendor and salubrity of the climate; the facility of transit and penetration by roads over all varieties of surface, these facts, conclusively established, demonstrate that our country is supremely favored by nature, with all the elements which promise unrivaled rapidity of progress, prosperity and power.

A grand work, to penetrate the middle region of our continent, and to perfect the fraternal bonds of our whole people, sometime isolated on the shores of different oceans, has long been denominated in the heart of every American. An exploration and critical survey, nearly completed, of a line connecting Denver and Salt Lake Cities, by Vasquez Fork and the Middle Park, demonstrates the existence of a route through the Snowy Cordillera, filling all the requirements of economical construction, easy transit, centrality and directness, heretofore desired or demanded by any portion of the American people. It is through the centre of Colorado Territory, then, that the CONTINENTAL RAILWAY is about to be constructed, which a few years will complete. Our Territory will be bisected, East and West, by the grandest work of all time, constructed to fraternize the domestic relations of our own people, and to draw, to and fro, through the heart of the American Union, the travel and commerce of all the nations, and all the continents of the world. Such is the civic triumph which awaits the intrepid bravery and conquering energies of the pioneers who have developed and possess the great mountains.

As the extraction of gold, with which our great mountains are permeated, forms the primary occupation of our industrial population, and supplies the medium of commerce, I recommend that the condition and wants of our mining region be specially reported to the Federal Congress. To aid in perfecting the processes of economical mining, and indefinitely increase the production of the precious metals and coin, the liberal assistance of the Government and of science ought to be invoked, and it will be given.

I pledge you my cordial and intelligent co-operation in all that your wisdom and patriotism shall attempt.

Our great country demands a period of stern virtue, of holy zeal, of regenerating patriotism, of devoted citizens. It is to you, representatives, and to the people of the young Territory of Colorado, that I speak. To exalt your intrepid enthusiasm, is my aim. With us are the Continental Eagles, and the Continental Cause, immortalized by the purity of Washington, illuminated by the wisdom of

Jefferson, vindicated and restored by the illustrious Jackson. Let us condense around these Eagles, and advance, devoted to maintain their purity and to exalt their glory.

I commend your hearts to a steadfast faith in the Supreme power of God, fortified by the contemplation of the stupendous forms of nature with which he surrounds us, and from which no element of sublimity is left out. We must seek, in the colossal dimensions and sublime forms of nature with which we are encircled, and upward to the Supreme Throne of Grace, inspirations of wisdom, moderation and energy, to set the foundations of a Commonwealth which shall beat back the shocks of time, and stand as firm and enduring as the loftiest mountain.

WILLIAM GILPIN.

The Message having been received,

On motion of Mr. Steck, the Convention adjourned, *sine die*.

The Council having resumed business,

Mr. Robbins moved that two reporters of public journals be allowed seats within the bar.

Carried.

Mr. Steck moved that one copy of the *Colorado Republican*, and one copy of the *Rocky Mountain News*, be ordered for each member and the Secretary of the Council.

Carried.

Mr. Steck introduced the following resolution, which was adopted:

Resolved, That a committee be appointed by the President, to report rules for the government of this body.

Messrs. Steck, Robbins and Willis were appointed such committee.

Mr. Steck introduced C. B. No. 1, "A Bill for an act in relation to the District Courts."

Read first time.

On motion of Mr. Robbins, the Council adjourned until to-morrow morning at 10 o'clock.

COUNCIL CHAMBER,
Wednesday, Sept. 11th, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

S. L. Baker, the Secretary elect, appeared and took the oath of office.

Journal read and approved.

Mr. Steck, Chairman of the Committee on Standing Rules, offered the following, which were adopted for the temporary government of the Council:

1st. The President having taken the chair, and a quorum being present, the Journal of the preceding day shall be read, to the end

that any mistake may be corrected which shall be made in the entries; a quorum shall consist of a majority of the members of the Council.

2d. No member shall speak to another, or otherwise interrupt the business of the Council, or read any newspaper, while the Journal or public papers are reading, or when any member is speaking in any debate.

3d. Every member, when he speaks, shall address the chair, standing in his place, and when he has finished, shall sit down.

4th. No member shall speak more than twice in any one debate, on the same day, without leave of the Council.

5th. When two members rise at the same time, the President shall name the person to speak; but in all cases, the member who shall first rise and address the chair, shall speak first.

6th. When a member shall be called to order by the President or a Councilman, he shall sit down; and every question of order shall be decided by the President without debate, subject to an appeal to the Council and the President may call for the sense of the Council on any question of order.

7th. If the member shall be called to order for words spoken, the exceptionable words shall immediately be taken down in writing by the Clerk, that the President may be better enabled to judge of the matter.

8th. No member shall absent himself from the service of the Council without leave of the Council first obtained; and in case a less number than a quorum of the Council shall convene, they are hereby authorized to send the Sergeant-at-Arms, or other suitable person or persons, for any absent members, as a majority of such members present shall agree, at the expense of such absent members respectively, unless such excuse for non-attendance shall be made as the Council when a quorum is convened, shall judge sufficient.

9th. No motion shall be debated until the same shall be seconded.

10th. When a motion shall be made and seconded, it shall be reduced to writing if desired by the President, or any member, delivered at the table of the Secretary, and read, before the same shall be debated.

11th. When a question is under debate, no motion shall be received, but to adjourn; for the previous question; to lay on the table; to postpone indefinitely; to postpone to a day certain; to commit or amend; which several motions shall have precedence in the order they stand arranged. Any motion may be withdrawn by the mover at any time before a discussion, amendment, or ordering of the ayes and nays, except a motion to reconsider, which shall not be withdrawn without leave of the Council. A motion to adjourn shall always be in order. That, and the motion to lay on the table, shall be decided without debate.

12th. If a question in debate contain several points, any member may have the same divided; but on motion to strike out and insert, it shall not be in order to move for a division of the question; but the rejection of a motion to strike out and insert one proposition, shall not prevent a motion to strike out and insert a different proposition; nor prevent a subsequent motion simply to strike out;

nor shall the rejection of a motion simply to strike out, prevent a motion, subsequently, to strike out and insert.

13th. In filling up blanks, the largest sum and the longest time shall be first put.

14th. When the reading of a paper is called for, and the same is objected to, by any member, it shall be determined by a vote of the Council, and without debate.

15th. The unfinished business in which the Council was engaged at the preceding adjournment, shall have precedence in the special orders of the day.

16th. When the yeas and nays are called for by one of the members present, each member called upon, shall declare openly, and without debate, his assent or dissent to the question, unless, by special reason, he be excused by the Council.

17th. When the yeas and nays shall be taken on any question, in pursuance of the above rule, no members shall be permitted, under any circumstances whatever, to vote after the decision is announced by the chair.

18th. No motion shall be deemed in order to admit any person or persons whatsoever, within the Council chamber, to present any petition, memorial or address.

19th. When a question has been carried or negatived, it shall be in order for any member of the majority to move for the reconsideration thereof. But no motion for the reconsideration of any vote shall be in order after a bill, resolution, message, report, amendment or motion, upon which the vote was taken, shall have gone out of the possession of the Council announcing their decision; nor shall any motion to reconsider be in order, unless made on the same day on which the vote was taken, or within the next two days of actual session of the Council thereafter.

20th. The President of the Council, or President *pro tempore*, shall have the right to name a member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

21st. After the Journal is read, the President shall first call for petitions, and then for reports from standing committees; and every petition or memorial, or other paper, shall be referred, of course, without putting a question for that purpose, unless the reference be objected to at the time the same is presented. And before any petition or other paper shall be received or read, a brief statement of the contents of the same shall be verbally made by the introducer.

22d. The following shall be the order of business:

1. Reading the Journal.
2. Petitions or memorials.
3. Reports from standing committees.
4. Reports of special or select committees.
5. Resolutions.
6. Notices and introduction of bills.
7. Bills on first reading.
8. Bills on second reading.
9. Special order.

10. Bills on third reading.
11. Bills on their passage.
12. Special orders of the day.
13. Unfinished business.

23rd. One day's notice, at least, shall be given, of an intended motion for leave to bring in a bill; but no paper or document shall be printed for the use of the Council without special order.

24th. Every bill shall receive its several readings, previous to its being passed, and the President shall give notice at each, whether it be the first, second or third; which readings shall be on three different days, unless the Council shall unanimously direct otherwise. All resolutions, to which the signature of the Governor may be requisite, shall be treated, in all respects, in the introduction and form of proceedings on them, in the Council, in a similar manner with bills; and all other resolutions shall lie on the table one day, for consideration, and also all reports of committees.

25th. No bill shall be committed or amended, until it shall have been twice read, after which, it may be referred to a committee.

26th. All committees shall be appointed by the chair, unless otherwise directed by the Council.

27th. All bills, on a second reading, shall first be considered by the Council, in the Committee of the Whole, before they shall be taken up and proceeded on by the Council, agreeably to the Standing Rules, unless otherwise ordered; when the Council shall consider a bill or resolution, as a committee of the whole, the President or President *pro tempore* shall call a member to fill the chair during the time the Council shall remain in Committee of the Whole; and the chairman so called, shall, during such time, have the power of a President *pro tempore*.

28th. The final question, upon the second reading of every bill, resolution or motion, originating in the Council, and requiring three readings previous to being passed, shall be, "whether it shall be engrossed and read a third time?" and no amendment shall be received for discussion, at a third reading of any bill, resolution or motion, unless by unanimous consent of the members present; but it shall at all times be in order, upon the final passage of any bill, resolution or motion, to move its commitment; and, shall such commitment take place, and any amendment be reported by the committee, the said bill, resolution or motion, shall be again read the second time, and considered in Committee of the Whole, and then the aforesaid question shall be again put.

29th. The title of bills, and such parts thereof as shall be affected by proposed amendments, shall be inserted on the journals.

30th. The proceedings of the Council, when not acting in committee of the whole, shall be entered on the journal, as concise as possible. Care being taken to detail a true and accurate account of the proceedings; and every vote of the Council shall be entered on the journal; and a brief statement of the contents of each petition

memorial, or paper, presented to the Council shall be inserted on the journal.

31st. When motions are made for reference of the same subject to a select committee, and to a standing committee, the question on reference to the standing committee shall first be put.

32nd. When nominations shall be made in writing by the Governor to the Council, a future day shall be assigned unless the Council unanimously direct otherwise, for taking them into consideration.

33rd. All confidential communications made by the Governor shall be kept secret. When acting on confidential or executive business the Council room shall be closed to all persons except the Secretaries and Sergeant-at-Arms. All information or remarks touching the character or qualifications of any person nominated by the Governor to office shall be kept secret. The legislative proceedings, the executive proceedings, and the confidential legislative proceedings of the Council shall be kept in separate and distinct books.

34th. Messages shall be sent to the House by the Assistant Secretary, or Sergeant-at-Arms, the Secretary having previously endorsed the final determination of the Council thereon.

35th. Messages are introduced in any stage of business, except when a question is being put, whilst the ayes and nays are being called, or while the ballots are being counted.

36th. The rules of the Council shall be observed in the Committee of the Whole, so far as they may be applicable, except limiting the time of speaking, and except the ayes and nays shall not be taken.

37th. A motion that the committee rise, shall always be in order, and shall be decided without debate.

38th. Any official or member of the Council, convicted of disclosing any matter, directed by the Council to be held in confidence, shall be liable, if an officer, to dismissal from the service of the Council; and in case of a member, to suffer expulsion from the body.

39th. The rules of parliamentary practice, comprised in Jefferson's Manual, shall govern the Council, in all cases to which they are applicable and in which they are not inconsistent with the Standing Rules and Orders of the Council, and the Joint Rules of the Council and House of Representatives.

40th. The following Standing Committees, to consist of three members each, shall be appointed by the President, at the commencement of each session:

1. Judiciary.
2. Finance, Ways and Means.
3. Education.
4. Military Affairs.
5. Highways and Bridges.
6. Expenditures.
7. Incorporations.
8. Territorial Library.
9. Elections.

10. Counties.
11. Federal Relations.
12. Agriculture.
13. Enrolled and Engrossed Bills.

The last committee to consist of two members.

On motion of Mr. Mather, a sufficient number of copies of the standing rules were ordered printed, for the use of the Council.

C. B. No. 1, "A bill for an act in relation to the District Courts," was

Read second time, and

On motion, referred to Committee of the Whole.

On motion, Council went into Committee of the Whole.

Mr. Steck in the chair.

Committee rose, and through their chairman, reported progress, and asked leave to sit again.

Report received.

On motion of Mr. Robbins,

Council adjourned until 2 o'clock, P. M.

AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

A quorum present.

Mr. Steck offered the following resolution:

Resolved, That a committee of two be appointed, to act with a like committee on the part of the House of Representatives, to report rules for the joint government of the Legislative Assembly.

On motion of Mr. Parker, rules were suspended, and the resolution adopted.

In pursuance of the foregoing resolution, Messrs. Parker and Colby were appointed such committee, on the part of the Council.

On motion of Mr. Steck, the Council went into Committee of the Whole, and resumed consideration of C. B. No. 1, "A bill for an act in relation to the District Courts."

Mr. Parker in the chair.

Committee rose, and made the following report:

The Committee of the Whole, to which was referred C. B. No. 1, "A bill for an act in relation to District Courts," report the same back, after striking out sections four and five, and amending section six, to read as follows:

"This act shall take effect and be in force from and after its passage."

Also amending the enacting clause, to read as follows:

"Be it enacted by the Legislative Assembly of the Territory of Colorado, the Governor approving."

And with these amendments, recommend its passage.

H. F. PARKER, Chairman.

On motion of Mr. Robbins, the report of the committee was received, and sections four and five, of C. B. No. 1, were referred to a select committee of two, to be appointed by the President.

The President appointed Messrs. Robbins and Steck, such committee.

On motion of Mr. Mather,

The Council adjourned until to-morrow morning at 10 o'clock.

COUNCIL CHAMBER,
September 12th, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

A quorum present.

Journal read and approved.

Mr. Robbins offered the following resolution:

Resolved, That the Secretary of the Territory be requested to inform the Council what items of expense are included in the incidental expenses mentioned in section eleven of the Organic Act and what amount of expenditure is permitted in each particular item: *Provided*, He is informed of the same.

On motion, the rules were suspended and the resolution was adopted.

Mr. Robbins, chairman of the special committee on C. B. No. 1, made the following report:

The special committee to whom was referred so much of a bill entitled "An Act in relation to the District Courts" as relate to the payment of fees not chargeable to the United States, beg leave to report that they have had the same under consideration, and recommend the bill as reported from the committee of the whole.

S. M. ROBBINS, Chairman.

On motion, the report was received, and the committee discharged.
Message from the House of Representatives:

HOUSE OF REPRESENTATIVES,
September 12th, 1861. }

Hon. President of the Council:

I am directed by the House to inform the Council of the adoption of the following resolution, and your concurrence therein is respectfully requested.

H. F. PAGE, Chief Clerk.

CONCURRENT RESOLUTION.

Resolved, By the House of Representatives. the Council concurring, That we meet in the Hall of the House, on Monday, the 16th inst., at 10 o'clock A. M., for the purpose of electing a public printer for this Territory.

Mr. Robbins moved that the rules be suspended, and that the Council concur in the above resolution.

The ayes and nays were demanded:

Ayes, Messrs. Colby, Graham and Robbins—3.

Nays, Messrs. Mather, Parker, Steck and Willis—4.

Lost.

On motion, C. B. No. 1, was taken up, and Mr. Robbins offered the following amendments, to-wit:

That the enacting clause be amended so as to read:

Be it enacted by the Legislative Assembly of the Territory of Colorado, the Governor approving.

And that sections 3, 4 and 5, in said bill be stricken out, and the section 6 be amended so as to read:

This act to take effect and be in force from and after its passage.

On motion, the amendments were agreed to, and the bill was ordered engrossed.

On motion, of Mr. Mather, the Council adjourned until two o'clock P. M.

AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

A quorum present.

The following communication was received from the Secretary of the Territory.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,
Secretary's office, Denver, September 12th, 1861. }

To the Honorable the Legislative Council of Colorado Territory:

GENTLEMEN: In response to the enquiry conveyed by the resolution adopted by your Honorable body "that the Secretary of the Territory be requested to inform the Council what items of expense are included in the incidental expenses mentioned in Section 11 of the Organic Act, and what amount of expenditure is permitted in each particular," I have the honor to say, that the instructions received by me from the Department at Washington, specify the following under the head of "Incidental Expenses" Rent of Halls, Committee rooms (one for each House,) furniture, stationery and reasonable postage (to be restricted to official use,) fuel, lights, and such other objects of a miscellaneous character, usually incident to the session of a Legislative body. There are no restrictions in regard to the amount to be expended in each particular, save the general fact, that the amount appropriated for the Territorial fund is unusually small, and that a careful economy, so far as the same may be exercised with reasonable regard to necessity, and a proper degree of comfort and good taste, is eminently necessary and proper. I have instructed the proprietors of each daily newspaper in this city, to furnish five

copies of their dailies to each member of your body, and Messrs. Woolworth & Moffat to supply each member upon his personal application, with one copy of such eastern newspaper as he may choose, on the arrival of each mail.

I have the honor to be with great respect

Your ob't servant,

LEWIS LEDYARD WELD,

Secretary Colorado Territory.

On motion, C. B. No. 1, a bill for "An act in relation to District Courts," was read third time.

Ayes and nays were demanded on its passage.

Ayes—Messrs. Colby, Graham, Mather, Robbins, Steck, Willis and Mr. President.

Nays—none.

Passed. Title agreed to:

Mr. Graham offered the following resolution:

Resolved, By the Legislative Council, the House of Representatives concurring therein, that the following be adopted as the enacting clause for all acts and laws of the Legislative Assembly, as follows, to-wit: "Be it enacted by the Legislative Assembly of the Territory of Colorado, the Governor approving."

On motion of Mr Steck, the rules were suspended, and the resolution referred to the Joint Committee of both houses.

Mr. Robbins offered the following resolution:

Resolved, That the Attorney General of the Territory of Colorado, be requested to furnish to the Council, at his earliest convenience, a written opinion, in regard to the power of the Territorial Legislature to elect a Public Printer.

On motion, rules were suspended, and Resolution adopted.

Mr. Robbins offered the following resolution:

Resolved, By the Council, the House of Representatives concurring, that the Legislative Assembly of Colorado Territory meet in Joint Session, in the hall of the House, on Monday, the 16th inst., at 10 o'clock A. M., for the purpose of hearing the opinion of the Attorney-General of the Territory, in regard to the legality of the Territorial Legislature electing a Public Printer.

On motion of Mr. Robbins,

The Council adjourned, until to-morrow morning at 10 o'clock.

COUNCIL CHAMBER, }
FRIDAY, Sept. 13, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

A quorum present.

Journal read and approved.

The President announced the following standing committees:

- 1st. Judiciary—Messrs. Steck, Robbins and Mather.
- 2d. Finance, Ways and Means—Messrs. Parker, Francisco and Graham.
- 3d. Education—Messrs. Mather, Parker and Steck.
- 4th. Military Affairs—Messrs. Robbins, Willis and Colby.
- 5th. Highways and Bridges—Messrs. Graham, Willis and Robbins.
- 6th. Mining Interests—Messrs. Robbins, Colby and Mather.
- 7th. Corporations—Messrs. Colby, Willis and Parker.
- 8th. Territorial Library—Messrs. Steck, Francisco and Robbins.
- 9th. Elections—Messrs. Parker, Steck and Graham.
- 10th. Counties—Messrs. Willis, Colby and Robbins.
- 11th. Federal Relations—Messrs. Graham, Steck and Mather.
- 12th. Agriculture—Messrs. Francisco, Graham and Willis.
- 13th. Enrolled and Engrossed Bills—Messrs. Mather and Parker.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES,
September 13th, 1861. }

Hon. President of the Council:

I am directed by the House to inform your Honorable body of their concurrence in your concurrent resolution, and that the House has appointed Messrs. Wilhite, Crocker and Chaffee, a committee to confer with a like committee on the part of your Honorable body, in regard to joint rules for the government of the two Houses; also that the House has passed H. B. No. 1, a bill for "An Act to designate the style of the Legislative acts of the Territory of Colorado."

F. H. PAGE, Chief Clerk.

H. B. No. 1, a bill for "An Act to designate the style of the Legislative acts of the Territory of Colorado." Was read the first time.

Mr. Steck offered the following resolution:

Resolved, That the several portions of the Governor's message recommending various subjects of Legislation be referred to the appropriate committees under the standing rules.

On motion of Mr. Graham, the rules were suspended and the resolution adopted.

Mr. Robbins offered the following resolution:

Resolved, That the Governor's message be printed for the use of the Council.

On motion rules were suspended and resolution adopted.

On motion

Council adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

Council met.

President in the chair.

A quorum present.

Mr. Parker offered the following resolution:

Resolved, That until otherwise ordered, the Council, when it adjourns, shall meet at 10 o'clock A. M., and when it adjourns at noon, shall again assemble at 2 o'clock P. M.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES,
September 13th, 1861. }

Honorable President of the Council:

I am instructed by the House to inform your Honorable body that C. B. No. 1, a bill for "An Act in relation to District Courts," has passed the House, amended by striking out all of the enacting clause after the word "enacted," and inserting instead, the words "By the Council and House of Representatives," and the concurrence of the Council is respectfully requested.

F. H. PAGE, Chief Clerk.

Upon the question, shall the Council concur in the amendment of the House to C. B. No. 1.

The ayes and nays were demanded.

Ayes—Messrs. Colby, Graham, Mather, Parker, Robbins, Steck, Willis, and Mr. President—8.

Nays—none.

Carried.

On motion of Mr. Parker, Council adjourned.

COUNCIL CHAMBER,
Saturday, September 14th, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

A quorum present.

Journal read and approved.

Mr. Colby offered the following joint resolution:

Be it resolved, By the Council and House of Representatives of Colorado Territory, that the Council and House of Representatives meet in the Hall of the House, on Tuesday, September 17th inst., at 11 o'clock A. M. for the election of a Public Printer for this Territory.

On motion of Mr. Graham, the rules were suspended for consideration of the above resolution.

Ayes and nays were demanded on its passage.

Ayes—Messrs. Colby, Graham, Mather and Robbins—4.

Nays—Messrs. Parker, Steck, Willis and Mr. President—4. Lost.

Mr. Robbins offered the following resolution:

Resolved, By the Council, the House of Representatives concurring, that we meet in joint session in the Hall of the House, on Tuesday the 17th inst., at 10 o'clock A. M. to consider the propriety of electing a Public Printer for this Territory.

On motion of Mr. Robbins, the rules were suspended and resolution adopted.

Mr. Parker, chairman of the Committee on Joint Rules, made the following report:

MR. PRESIDENT:—

The Committee on Joint Rules, for both Houses, have instructed me to offer the following Joint Rules:

Rule 1. When a message shall be sent from the Council to the House of Representatives, it shall be announced at the door of the House, by the Doorkeeper, and shall be respectfully communicated to the chair, by the person by whom it may be sent.

2. The same ceremony shall be observed, when a message shall be sent from the House of Representatives to the Council.

3. Messages shall be transmitted from one house to the other by the Chief Clerk or Secretary, unless otherwise specially ordered by the presiding officer, and while both houses are in session.

4. After a bill shall have passed both houses, it shall be duly enrolled by the Enrolling Clerk of the House of Representatives or of the Council, as the bill may have originated, in one or the other Houses, before it shall be presented to the Governor of the Territory for his approval.

5. When bills are enrolled, they shall be examined by a joint committee of two from the Council, and two from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills, as passed in the two houses, and, correcting any error that may be discovered in the enrolled bills, make their report forthwith to their respective houses.

6. After examination and report, each bill shall be signed in their respective houses, first by the Speaker of the House of Representatives, then by the President of the Council.

7. After a bill shall have been thus signed in each house, it shall be presented by the said committee to the Governor, for his approbation, (it being first endorsed on the back of the roll, certifying in which house the same originated,) which endorsement shall be signed by the Chief Clerk of the house in which the same did originate, and shall be entered on the Journal of each house. The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journal of each house.

8. All orders, resolutions and votes, which are to be presented to the Governor of the Territory for his approbation, shall also, in the

same manner, be enrolled, examined and signed; and shall be presented in the same manner, and by the same committee, as provided in cases of bills.

9. Each house shall transmit, in case they are demanded, all papers on which any bill or resolution shall be founded.

10. The President of the Council shall preside at all conventions of the houses.

11. Any three members may move a call of the convention.

12. In all cases, the President shall have the right of voting, and in all cases he shall vote last.

13. When a bill or resolution, which shall have passed one house, shall be rejected in the other, notice thereof shall be given to the house in which the same may have passed.

Report laid over under the rules.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
September 14, 1861. }

Hon. President of the Council:—

I am directed by the House to inform the Council, that they have passed Concurrent Resolution in regard to a Joint Session, for the purpose of hearing the opinion of the Attorney General in regard to the election of a Public Printer, with the following amendment, to-wit: Adding the words "And to take such action in the premises, as said Joint Convention shall deem best," and the concurrence of the Council is respectfully requested.

F. H. PAGE, Chief Clerk.

Mr. Robbins moved that the Council concur in House amendment to Concurrent resolution.

Ayes and nays were demanded.

Ayes—Messrs. Colby, Graham, Robbins and Willis—4.

Nays—Messrs. Parker and Steck—2.

Carried.

The committee on Engrossed and Enrolled Bills, report that C. B. No. 1, a bill for "An act in relation to District Courts," is correctly engrossed.

H. F. PARKER, Chairman.

Report received.

On motion of Mr. Robbins, rules were suspended, and the Joint Rules, as reported by Mr. Parker, were adopted, and the committee discharged.

Mr. Robbins offered the following resolution:

Resolved, That the Standing Rules of the Council, the order of business, and the list of standing committees, be furnished by the Secretary, to the Secretary of the Territory, to be published for the use of the Council.

On motion, rules were suspended, and resolution adopted.

Notice of bill, by Mr. Robbins.

"A bill for an act to confirm the action of the people within the limits of the present Territory of Colorado, in establishing courts and recording offices, in the absence of a Territorial organization."

On motion,

Council adjourned until Monday, the 16th inst., at ten o'clock A. M.

COUNCIL CHAMBER, }
Monday, Sept. 16th, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Journal read and approved.

A quorum present.

Message from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY, }
Denver, September 14th, 1861. }

To the Council of the Legislative Assembly of the Territory of Colorado:

GENTLEMEN:—I have this day approved and signed "An act entitled An Act in relation to District Courts."

Very respectfully,

WILLIAM GILPIN,
Governor of Colorado Territory.

On motion, the Council adjourned to meet the House of Representatives in joint session.

PROCEEDINGS IN JOINT CONVENTION.

President of the Council in the chair.

The written opinion of the Attorney General upon the right of the Legislative Assembly to elect a Public Printer, was read.

Mr. Holly, of the House, offered the following resolutions:

Resolved, By the Council and House of Representatives of Colorado Territory, in Joint Convention assembled, as follows, to-wit:

1st. *Resolved*, That ——— be and he is hereby declared elected and appointed the Public Printer for the Council and House of Representatives of Colorado Territory, for the term of one year from and after this date, and until his successor shall be duly elected and appointed.

2d. *Resolved*, That it is hereby declared to be the duty of the Chief Clerk of the House, to deliver to the said Public Printer a certified copy of the Journal, resolutions, acts or any papers or manuscripts which may be ordered to be printed by the respective Houses.

3d. *Resolved*, That it is hereby expressly provided and stipulated, that no claim shall hereafter be made or allowed against the Territory

of Colorado for any work done, materials furnished, or services rendered by the said Public Printer, or his successor in office.

4th. *Resolved*, That the Public Printer before entering upon the discharge of his duties, shall take an oath to support the Constitution of the United States, the Organic Act for Colorado Territory, and faithfully to demean himself, as the Public Printer, for the Council and House of Representatives of Colorado Territory.

5th. *Resolved*, That the Public Printer shall print in such form as shall be ordered, on good paper and with good binding, in good workmanlike manner, and deliver the same subject to the order of either House as soon as practicable, any Journal, act, paper, or manuscript which may be ordered by either House.

On motion, the resolutions were adopted.

On motion of Mr. Holly, the Convention proceeded to elect a Public Printer.

Mr. Holly nominated Edward Bliss.

Mr. Robbins nominated Mat. Riddlebarger.

Ayes and nays demanded.

Those voting for Mr. Bliss were:

Messrs. Colby, Graham, Mather, Steel, Wilhite, Scudder, Chaffee, Crocker, Noteware, Witter, Barela, Chilcott, Holly and Mr. President—14.

Those voting for Mat. Riddlebarger were:

Messrs. Robbins, Willis and Whittemore—3.

Excused from voting:

Messrs. Parker, Steck and Garcia.

Absent:—Messrs Rankin and Francisco.

Mr Bliss was declared elected Public Printer, and his name ordered put in the blank in the first of Mr. Holly's resolutions.

On motion, of Mr. Crocker, the Joint Convention adjourned.

Council returned to their chamber, and on motion of Mr. Mather, adjourned.

AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

A quorum present.

Notices of bills:

By Mr. Steck:

A bill for "An Act to Incorporate the Silver Spring Mining Company.

By Mr. Mather:

A bill for "An Act to Incorporate the Rocky Mountain and Pittsburg Gold Mining Company."

Mr. Steck offered the following resolution:

Resolved, That the Secretary of the Council be directed to give to the Secretary of the Territory a copy of the Journal daily, for the purpose of having the same printed for the use of the Council.

Laid over under the rules.

Message from the House of Representatives.

HOUSE OF REPRESENTATIVES, }
 September 16th, 1861. }

Hon. President of the Council:—

I am directed by the House to inform your Honorable Body that the joint resolution to provide for meeting in Joint Convention on Tuesday, the 17th inst., has been indefinitely postponed.

H. B. No. 1, a bill for "An Act to designate the style of the Legislative acts of the Territory of Colorado," was read second time, and, on motion, referred to Committee on Judiciary.

On motion, Council adjourned.

COUNCIL CHAMBER, }
 Tuesday, September 17th, 1861. }

Council met pursuant to adjournment.

President in the chair.

A quorum present.

Prayer by the Chaplain.

Journal read and approved.

The Committee on Judiciary, to whom was referred,

H. B. No. 1, a bill for "An Act to designate the style of the Legislative acts of the Territory of Colorado," report the same back to the Council, and recommend its passage.

AMOS STECK, Chairman.

Report received.

The Resolution offered by Mr. Steck, on the 16th, relative to the printing of the daily Journal, for the use of the Council, was, on motion of Mr. Robbins, taken up.

Mr. Colby moved that it be laid on the table.

Ayes and nays demanded.

Ayes, Messrs. Colby, Graham, Mather, Robbins and Willis—5.

Nays, Messrs. Parker, Steck and Mr. President—3. Carried.

Mr. Colby offered the following resolution:

Resolved, That the Secretary of the Council be directed to furnish a copy of the Journal daily to the Public Printer of this Territory, in accordance with the second resolution passed in Joint Convention on the 16th inst.

On motion of Mr. Robbins, rules were suspended for consideration of Mr. Colby's resolution.

Mr. Steck offered the following amendment:

Provided, That if the said Edward Bliss shall print said Journals, Resolutions, Acts or other papers, and that failing to receive payment out of the moneys appropriated by Congress of the United States for printing the laws, and other incidental expenses, he shall at no time hereafter make any claim upon the Territory for such payment.

Ayes and nays demanded on the adoption of the amendment.

Ayes—Messrs. Mather, Parker, Steck, Willis and Mr. President—5.

Nays—Messrs. Colby, Graham and Robbins—3.

Carried.

Question recurring on the resolution as amended,

Ayes and nays were demanded.

Ayes—Messrs. Graham, Mather, Robbins and Mr. President—4.

Nays—Messrs. Colby, Parker, Steck and Willis—4. Lost.

Mr. Colby moved a reconsideration. Carried.

Mr. Steck moved to indefinitely postpone. Lost.

Mr. Robbins moved that the resolution as amended be adopted. Carried.

Mr. Robbins offered the following resolution:

Resolved, That Rule No. 40. be amended, by adding a Committee on Printing to the standing committees of the Council, to be numbered as 13.

On motion, rules suspended, and resolution adopted.

Notice of bill, by Mr. Parker:

A bill for "An act to incorporate the Enterprise Wagon Road Company."

Mr. Robbins introduced

C. B. No. 4, a bill for "An act to confirm the action of the people within the limits of the present Territory of Colorado, in establishing courts and recording offices, in the absence of a Territorial organization."

Read first time.

On motion,

Council adjourned until 9 o'clock A. M., to-morrow.

COUNCIL CHAMBER, }
Wednesday, Sept., 18, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

A quorum present.

Journal read and approved.

Mr. Graham offered the following resolutions:

WHEREAS, A time having arrived in the history of our country, when disloyalty to our Government is showing itself in various portions of the United States, and the dearest rights and noblest institutions of American citizens are trampled under foot; it, therefore, seems to become every public assembly, and all Legislative bodies, to make, as early as practicable, a public declaration of the principles which are to govern them: and it is, therefore;

1. *Resolved*, That we, as members of the Legislative Council of the Territory of Colorado, feeling a deep interest in the preservation of civil liberty, as established by our forefathers and perpetuated through near three generations, wishing now to commence the inauguration of a government for a people noted for their loyalty and fidelity to their country, we herein propose to make a public declaration, by publishing these resolutions to the world, that we will, by all means in our power, by sympathy, words and deeds, sustain and support the existing Government of the United States of America.

2. *Resolved*, That the history of our nation furnishes no parallel case, where the first Legislative Assembly of a Territory were called together to legislate for over 30,000 people, and our responsibility would be still greater, were we not well satisfied that we could command the co-operation of the Executive officers of the Territory, and our official superiors in the various Departments of the seat of General Government; and while our Governor has tendered to us his pledge of co-operation in all our attempts at legislation, in patriotism and loyalty performed, we hereby extend our pledge as patriots, that in nowise shall we be found undeserving of such co-operation.

3. *Resolved*, That, following up the wish of the people, as clearly and emphatically spoken at the polls, on the 19th of August last, we would not, if it were clearly in our power, attempt to carry out any measure which would tend, in any manner, to conflict with patriotism, loyalty, and strict adherence to the policy of the General Government.

4. *Resolved*, That neighboring Territories may be found wavering in their policy, and public expressions of loyalty, upon those grave subjects that legitimately present themselves for the consideration of all portions of the American people; therefore, we, members of the first Legislative Council, assembled for the Territory of Colorado, are ready to clothe ourselves with the republican armor, which our constituents placed at our command, and go forth to the battle of the Union and our country.

5. *Resolved*, That, acting by those life-springs which the love of American liberty has infused into our whole political system, and the wish to perpetuate those institutions which make up the political existence of this great nation, we are ready to endorse the acts of the present Administration, and lend our feeble hand to the maintenance of the Union of the United States.

6. *Resolved*, That, allowing no adherents to ancient strictly party lines and principles to sit in judgment upon our patriotism, loyalty and fidelity to the Union, we now set forth to do our duty to our young Territory, justice to its present Administration, and strictly to adhere to the policy of the Administration as now promulgated at the seat of government of the United States.

The resolutions of Mr. Graham were laid over, under the rules, and, on motion, ordered printed.

Mr. Mather introduced

C. B. No. 2, a bill for "An Act to incorporate the Rocky Mountain and Pittsburg Gold Mining Company."

Read first time.

Mr. Parker introduced

C. B. No. 3, a bill for "An Act to incorporate the Enterprise Wagon Road Company."

Read first time.

Notice of bills:

By Mr. Steck:

A bill for "An Act concerning fraudulent conveyances and contracts relative to real and personal property." Also,

A bill for "An Act to regulate and establish the rates of charges for publication of legal advertisements."

C. B. No. 4, a bill for "An Act to confirm the action of the people within the present Territory of Colorado, in establishing courts and recording offices, in the absence of a Territorial organization," was

Read second time; and, on motion,

Ordered printed, and referred to Committee on Judiciary.

H. B. No 1, a bill for "An Act to designate the style of the Legislative Acts of the Territory of Colorado," was

Read third time,

Passed,

Title amended by inserting after the word "style," the words "of the enacting clause."

On motion, Council adjourned.

AFTERNOON SESSION.

Council met.

President in the chair.

A quorum present.

On motion of Mr. Robbins, Council adjourned.

COUNCIL CHAMBER, }
Thursday, Sept. 19th, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

A quorum present.

Journal read and approved.

The President appointed a Committee on Printing, consisting of Messrs. Colby, Graham and Parker.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
September 19th, 1861. }

Hon. President of the Council:

I am instructed by the House to inform your honorable body that they have passed the following bills, and respectfully request the concurrence of the Council therein:

H. B. No. 5, a bill for "An Act to prevent the sale of intoxicating liquors to soldiers." Also,

"Joint Resolution on the Federal Government." Also,

H. B. No. 10, a bill for "An Act to change the name of James Lee Longbottom."

F. H. PAGE, Chief Clerk.

Notice of bills:

By Mr. Colby:

A bill for "An Act to incorporate the Nevada Ditch Company." Also,

A bill for "An Act to provide for copying the Journals of the House of Representatives and Council, of the first session of the Colorado Legislature."

Mr. Steck introduced

C. B. No. 5, a bill for "An Act concerning fraudulent conveyances and contracts relative to real and personal property."

Read first time.

On motion rules were suspended, and Mr. Robbins introduced C. B. No. 6, a bill for "An Act to organize the militia of the Territory of Colorado."

Read first time.

On motion, rules were suspended, Bill was read second time, and referred to Committee on military affairs.

NOTICE OF BILLS.

By Mr. Robbins, a bill for "A Bill for an Act to incorporate the Eldorado Mining Company," also,

A Bill for "An Act to incorporate the Metropolitan Mining Company."

H. B. No. 5, a bill for "An Act to prevent the sale of intoxicating liquors to soldiers,"

Read first time.

H. B. No. 10, a bill for "An act to change the name of James Lee Longbottom."

Read first time.

C. B. No 2, a bill for "An Act to incorporate the Rocky Mountain and Pittsburg Gold Mining Company."

Read second time, and on motion, referred to Committee on Incorporations.

C. B. No. 3, a bill for "An Act to incorporate the enterprise Wagon Road Company."

Read second time, and on motion, referred to committee on Highways and Bridges.

Mr. Steck offered the following resolution:

Resolved, That the Committee on Incorporations be instructed to inquire whether a bill could not be reported to the Council, having such general provisions for incorporating associations for mining purposes, as will preclude special acts for that purpose, and to report such bill, if said committee shall deem the same advisable.

On motion, rules were suspended, and resolution adopted.

On motion Council adjourned.

AFTERNOON SESSION.

Council met.

President in the chair.

A quorum present.

Mr. Steck offered the following resolution:

Resolved, That the Secretary of the Council be directed to furnish the Secretary of the Territory with an official copy of the resolutions of the Joint Convention of the Council and House of Representatives, relating to the election of the Public Printer, and also an official copy of the resolutions of the Council directing the Secretary to deliver a copy of the Journal and other papers to said Public Printer.

On motion rules were suspended, and resolution adopted.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES,
September 19th, 1861. }

Honorable President of the Council:

I am instructed to inform your honorable body that the House has concurred in the Council amendment to H. B. No. 1, a bill for "An Act to designate the titles of Bills."

F. H. PAGE, Chief Clerk.

Mr. Robbins offered the following resolution:

Resolved, That the Committee on Elections be requested to report as early as possible a General Election Law for this Territory.

On motion, rules were suspended, and resolution adopted.

Mr. Graham offered the following resolution:

Resolved, That the members of the bar be tendered the use of the this Hall on Saturday evening next, at their adjourned meeting in reference to adopting a code of laws for this Territory.

On motion rules were suspended, and resolution adopted.

On motion Council adjourned.

COUNCIL CHAMBER,
Friday Sept. 20th, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

A quorum present.

Journal read and approved.

Mr. Colby offered the following resolution:

Resolved, That any committee of the Council be authorized to employ a Clerk to draft bills, whenever they shall find it necessary for the transaction of any business that may be intrusted to them.

Laid over under the rules.

Mr. Parker moved that the Joint Resolution of the House, introduced into the Council on the 19th, "Joint Resolution on the Federal Government," and Mr. Grahams resolutions on the same subject be referred to a select committee.

Lost.

On motion of Mr. Graham, the consideration of his resolutions was made the special order for Monday, the 23rd inst., at two o'clock P. M.

Mr. Robbins introduced

C. B. No. 7, a bill for "An act to incorporate the Metropolitan Mining Company."

Read first time.

Also, C. B. No. 8, a bill for "An act to incorporate the Eldorado Mining Company."

Read first time.

Notice of bill, by Mr. Colby:

A bill for "An act to incorporate cities."

C. B. No. 5, a bill for "An act concerning fraudulent conveyances and contracts, relative to real and personal property."

Read second time and, on motion, referred to Committee on Judiciary.

H. B. No. 5, a bill for "An act to prevent the sale of intoxicating liquors to soldiers."

Read second time and, on motion, referred to Committee on Military Affairs.

H. B. No. 10, a bill for "An act to change the name of James Lee Longbottom."

Read second time and, on motion, referred to Committee on Judiciary.

On motion,

Council adjourned until 10 o'clock Monday, 23d inst.

COUNCIL CHAMBER,
Monday, Sept. 23, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

A quorum present.

Journal read and approved.

Mr. Francisco, member from the 8th and 9th Council Districts, appeared, and the oath of office being administered by the Secretary of the Territory, took his seat.

Mr. Mather presented petition of Eli Carter and others, praying for location of a county with boundaries therein described, and that Golden City be the county seat.

Read, and referred to Committee on Counties.

Mr. Steck made the following report:

The Committee on Judiciary to whom was referred C. B. No. 5, a bill for "An Act concerning fraudulent conveyances and contracts relative to real and personal property," report the same back, with an amendment in the enacting clause, and recommend its passage, as amended.

AMOS STECK, Chairman.

Report received.

On motion, the resolution of Mr. Colby, relative to the employment of clerks, by committees, which laid over under the rules, on the 20th inst., was taken up, and amended by striking out the words "to draft bills."

Resolution, as amended, adopted.

Notice of bills:

By Mr. Robbins:

A bill for "An Act to incorporate the Masonic Grand Lodge, of Colorado Territory." Also,

A bill for "An Act to incorporate the Jefferson and Mineral Hill Road Company."

Mr. Colby introduced

C. B. No. 10, a bill for "An Act to incorporate cities."

On motion rules were suspended, and bill was

Read first and second time, and

Referred to Committee on Incorporations.

C. B. No. 7, a bill for "An Act to incorporate the Metropolitan Mining Company."

Read second time, and, on motion,
Referred to Committee on Incorporations.

C. B. No. 8, a bill for "An Act to incorporate the Eldorado Mining Company." Read second time, and
Referred to Committee on Incorporations.

C. B. No. 5, a bill for "An Act concerning fraudulent conveyances and contracts relative to real and personal property."

Read third time: on motion,

Rules were suspended, and

Bill was ordered engrossed.

On motion, rules were suspended, and

Mr. Steck introduced

C. B. No 11, a bill for "An Act declaratory of the rights of occupants of the Public Domain, except as against the United States.

Read first time, and, on motion, ordered printed.

On motion, Council adjourned.

AFTERNOON SESSION.

Council met.

President in the chair.

A quorum present.

On motion, Council went into Committee of the Whole to take into consideration—

Resolutions of Mr. Graham.

Mr. Steck in the chair.

Committee rose and reported the resolutions amended to read as follows, and recommended their adoption by the Council.

RESOLUTIONS.

WHEREAS, A time having arrived in the history of our country, when disloyalty to our Government is showing itself in various portions of the United States, and the dearest rights and noblest institutions of American citizens are trampled under foot; it, therefore seems to become every public assembly, and all Legislative Bodies, to make, as early as practicable, a public declaration of the principles which are to govern them. It is therefore

1. *Resolved*, That we as members of the Legislative Council of the Territory of Colorado, feeling a deep interest in the preservation of civil liberty, as established by our forefathers, and perpetuated through nearly three generations, wishing now to commence the inauguration of a government for a people noted for their loyalty and fidelity to their country, we herein propose to make a public declaration that we will by all means in our power, by sympathy, words and deeds, sustain and support the existing Government of the United States of America.

2. *Resolved*, That the history of our nation furnishes no parallel case when the first Legislative Assembly of the Territory was called

together to lay the foundations of Government for over thirty thousand persons, and our responsibility, great as it now is, would be still greater, if we were not assured that we could have the hearty support of the people, of the Executive of this Territory, and of the General Government, in all our attempts at legitimate legislation; and we hereby pledge ourselves, that in nowise shall we be found undeserving of such co-operation.

3. *Resolved*, That, following up the wish of the people, as clearly and emphatically spoken at the polls on the 19th of August last, we will not attempt to carry out any measure which would tend, in any manner, to conflict with the dictates of patriotism, loyalty, or a strict adherence to the policy of the General Government, in all its measures to maintain the integrity of the Union.

4. *Resolved*, That neighboring Territories may be found wavering in their expressions of loyalty, upon those grave subjects that legitimately present themselves for the consideration of all portions of the American people; but we, members of the first Legislative Council assembled for the Territory of Colorado, are ready to clothe ourselves with the Republican armor, which our constituents placed at our command, and go forth to battle for the Union and our Country.

5. *Resolved*, That, actuated by those life-springs, which the love of American liberty has infused into our whole political system, and a wish to perpetuate those institutions which make up the political existence of this great nation, we endorse the acts of the present Administration, and will lend our aid to the maintenance of the union of the States.

6. *Resolved*, That, allowing no adherents to ancient party lines and principles to set in judgment upon our patriotism, loyalty and fidelity to the Union, we now set forth to do our duty to our young Territory, and justice to its present administration.

Report received.

Mr. Graham moved that the first four resolutions be adopted.

Mr. Parker called for the ayes and nays:

Ayes—Messrs. Colby, Graham, Mather, Parker, Robbins, Steck, Willis and Mr. President—8.

Nays—none.

Excused—Mr. Francisco.

Mr. Robbins moved that the Council adjourn.

Ayes and nays demanded:

Ayes—Messrs. Colby, Robbins, Willis and Mr. President—4.

Nays—Messrs. Graham, Mather, Parker and Steck—4. Lost.

Mr. Graham moved that the fifth resolution, as amended, be adopted; pending which,

Mr. Colby moved that the Council adjourn.

Ayes and Nays demanded:

Ayes—Messrs. Colby, Francisco, Mather, Robbins, Willis and Mr. President—6.

Nays—Messrs. Graham, Parker and Steck—3. Carried.
Council adjourned.

COUNCIL CHAMBER, }
Tuesday, September 24th, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Absent—Messrs. Francisco, Robbins, Steck and Willis.

Journal read and approved.

The Committee on Enrolled and Engrossed Bills report that C. B. No. 5, a bill for "An Act concerning fraudulent conveyances and contracts relative to real and personal property," is correctly engrossed.

C. W. MATIER, Chairman.

Report received.

The committee on Military Affairs, to whom was referred H. B. No. 5, a bill for "An Act to prevent the sale of intoxicating liquors to soldiers," report the same back, amended by striking out the words, "school fund," and inserting the word "county," instead; and recommend its passage as amended.

S. M. ROBBINS, Chairman.

Report received.

The Committee on Judiciary, to whom was referred H. B. No. 10, a bill for "An act to change the name of James Lee Longbottom," report the same back, and recommend its passage.

A. STECK, Chairman.

Report received.

The Committee on Military Affairs, to whom was referred C. B. No. 5, a bill for "An act to organize the Militia of the Territory of Colorado," report the same back to the Council, amended, and recommend its passage.

S. M. ROBBINS, Chairman.

Report received.

On motion of Mr. Mather,

H. B. No. 2., "A Joint Resolution on the Federal Government," was taken up, and read.

JOINT RESOLUTIONS.

Be it resolved, By the Council and House of Representatives of Colorado Territory, as follows, to-wit:

1. *Resolved*, That the deplorable civil war in which the United States Government is now engaged, was brought about by the unjust

tifiable and traitorous acts of the disunionists at the South, and therefore the sole responsibility for all its legitimate consequences rests with them alone.

2. *Resolved*, That all the resources of the country, both in men and means, to their utter exhaustion, should be at once called out, if needed, to defend the National Government, and to preserve the integrity of the Union.

3. *Resolved*, That the pretended right of secession as claimed by some of the States of the Union, has no warrant in the Constitution, and is wholly repugnant to the principles on which our Government was founded.

4. *Resolved*, That after this rebellion shall have been crushed out, the Supremacy of the Federal Constitution shall have been fully conceded, and the right of the Union shall have been amply guaranteed, then there should be invoked the same spirit of concession and compromise to perpetuate our institutions in which they were first conceived and framed.

5. *Resolved*, That the people of Colorado Territory utterly ignoring all former political classifications, heartily sympathize with the Federal Government in its present contest, approve of its leading acts, which have been necessarily undertaken, for its own self-existence and self-defense, and pledge themselves to co-operate, to the full extent of their power, in all constitutional measures, which may hereafter be adopted towards the prompt and decisive conclusion of the war, thus waged, on its part only for the maintenance of the Constitution and the enforcement of the Laws.

Mr. Parker moved that the words "utterly ignoring all former political classifications," in the first and second lines of the fifth resolution, be stricken out. Carried.

Ayes and nays were demanded on the passage of the resolutions as amended.

Ayes—Messrs. Colby, Graham, Mather, Parker, Robbins, Steck and Mr. President—7.

Nays—None.

Absent—Messrs. Francisco and Willis.

Mr. Steck introduced—

C. B. No. 12, a bill for "An Act to regulate and establish the rates of charges for publication of legal advertisements."

Read first time.

Notice of bill, by Mr. Mather,

A bill for "An Act for the granting and regulating, of Divorces in the Territory of Colorado."

C. B. No. 9, A bill for "An Act to incorporate the Nevada Ditch Company.

Read second time, and, on motion, referred to committee on incorporations.

On motion of Mr. Steck, Council went into Committee of the Whole on the general file.

Mr. Robbins in the chair.

Committee of the Whole rose and through their chairman made the following report:

The committee report H. B. No. 10, a bill for "An Act to change the name of James Lee Longbottom," back to the Council and recommend its passage.

Also, H. B. No. 5, a bill for "An Act to prevent the sale of intoxicating liquors to soldiers," and recommend that it pass.

Also, C. B. No. 6, a bill for "An Act to organize the militia of the Territory of Colorado," amended by adding the words "Practicing Physicians," in section 33, and ask leave to sit again on the bill.

S. M. ROBBINS Chairman.

Report received.

On motion, Council adjourned until 10 o'clock A. M. Wednesday.

COUNCIL CHAMBER,
Wednesday, September 25th, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

A quorum present.

Absent, Mr. Colby.

Journal read and approved.

The Committee on highways and bridges to whom was referred:

C. B. No 3, a bill for "An Act to incorporate the Enterprise Wagon Road Company," have had the same under consideration, and report the same back to the Council, with amendments and recommend its passage.

H. J. GRAHAM, Chairman.

Report received.

C. B. No. 12, a bill for "An Act to regulate and establish the rates and charges for publication of legal advertisements

Read second time, and, on motion, referred to Committee on printing.

H. B. No. 5, a bill for "An Act to prevent the sale of intoxicating liquors to soldiers."

Read third time.

Ayes and nays were demanded on its passage.

Ayes—Messrs. Francisco, Graham, Mather, Parker, Robbins, Steck, Willis and Mr. President—8.

Nays—None.

Absent—Mr. Colby.

Bill passed. Title agreed to.

H. B. No. 10, a bill for "An act to change the name of James Lee Longbottom."

Read third time.

Passed.

Title agreed to.

C. B. No. 5, a bill for "An Act concerning fraudulent conveyances and contracts relative to real and personal property."

Read third time.

Passed.

Title agreed to.

On motion, No's 5 and 6 of Mr. Graham's Resolutions, as amended in committee of the whole on the 23rd inst., were considered.

Ayes and nays demanded on the adoption of the 5th resolution.

Ayes—Messrs. Graham, Mather, Parker, Robbins, Steck, Willis, and Mr. President—7.

Nays—None.

Absent—Mr. Colby.

Excused—Mr. Francisco.

Resolution as amended, adopted.

Ayes and nays demanded on the adoption of the 6th resolution.

Ayes—Mr. Graham, Mather, Robbins, Steck, Willis and Mr. President—6.

Nays—Mr. Parker—1.

Excused—Mr. Francisco.

Absent—Mr. Colby.

5th Resolution as amended.

Adopted.

On motion of Mr. Robbins, Council went into committee of the whole, and resumed consideration of C. B. No. 6, a bill for "An Act to Organize the militia of the Territory of Colorado." Mr. Robbins in the chair.

The committee rose and made the following report.

The committee of the whole have instructed me to report that they have had under consideration, the bill for "An Act to Organize the militia of the Territory of Colorado," and recommend its commitment to the Committee on military affairs.

S. M. ROBBINS, Chairman.

On motion, report was adopted, and bill recommitted to Committee on military affairs.

On motion Council adjourned.

AFTERNOON SESSION.

Council met.

President in the chair.

A quorum present.

On motion of Mr. Colby, Council went into Committee of the Whole on C. B. No. 3,

A bill for "An Act to incorporate the Enterprise Wagon Road Company.

Mr. Colby in the Chair.

Committee rose and made the following report:

The Committee of the Whole, to whom was referred C. B. No. 3,

A bill for "An Act to Incorporate the Enterprise Wagon Road Company," have had the same under consideration, and recommend the passage of the bill as amended.

A. U. COLBY, Chairman.

Report received.

On motion of Mr. Robbins,

C. B. No. 11., a bill for "An Act declaratory of the rights of

occupants of the Public Domain, except as against the the United States," was made the special order for Friday at 11 o'clock A. M.

On motion, Council adjourned until 10 o'clock A. M. Friday.

COUNCIL CHAMBER, }
Friday, September 27th, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

A quorum present.

Absent—Messrs. Francisco and Willis.

Journal read and approved.

Mr. Mather presented petition of A. E. Crane and others. Also, Petition of George Wilson and others, praying that the action of the people in establishing courts and recording offices outside of a Territorial Organization be confirmed.

The committee on enrolled bills report,

C. B. No. 3, a bill for "An Act to incorporate the Enterprise Wagon Road Company," as correctly engrossed.

CHARLES W. MATHER Chairman.

Report received.

On motion, rules were suspended, and,

Mr. Steck introduced,

C. B. No. 13, A bill for "An act in relation to bonds and mortgages, and legal proceedings for their collection."

Read first time.

Also, C. B. No. 14, a bill for "An Act concerning conveyances of Real Estate."

Read first time.

Also, C. B. No. 15, a bill for "An Act to incorporate the Silver Spring Mining Company."

Read first time.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
September 27, 1861. }

Hon. President of the Council:—

I am instructed to inform the Council that the House has passed the following bill, to-wit: H. B. No. 14, a bill for "An Act to dissolve the bonds of matrimony between Adam H. Bateman and Ellen C. Bateman," and your concurrence therein is respectfully requested; also, that the House does not concur in Council amendment to Joint Resolution H. B. No. 2, "Joint Resolution on the Federal Government."

F. H. PAGE, Chief Clerk.

H. B. No. 14, a bill for "An act to dissolve the bonds of matrimony between Adam H. Bateman and Ellen C. Bateman."

Read first time.

On motion, Council went into Committee of the Whole in consideration of C. B. No. 11, a bill for "An act declaratory of the rights of occupants of the public domain, except as against the United States."

Mr. Mather in the chair.

Committee arose, reported progress, and asked leave to sit again.

Report received.

On motion, Council adjourned.

AFTERNOON SESSION.

Council met.

President in the chair.

A quorum present.

C. B. No. 3, a bill for "An Act to incorporate the Enterprise Wagon Road Company.

Read third time,

Passed,

Title agreed to,

On motion, rules were suspended, and

C. B. No. 15, a bill for "An act to incorporate the Silver Spring Mining Company, was

Read second time, and

Referred to committee on Incorporations.

Notice of bills:

By Mr. Parker:

A bill for "An Act concerning descents and distributions."

By Mr. Graham: A bill for "An Act to incorporate the Apex and Gregory Wagon Road Company."

By Mr. Colby:

A bill for "An Act in relation to bills of exchange and promissory notes."

On motion, rules were suspended, and

H. B. No. 14, a bill for "An Act to dissolve the bonds of matrimony between Adam H. Bateman and Ellen C. Bateman," was

Read second time, and

Referred to the committee on Territorial Library.

Mr. Steck presented petition of Gertrude W. Owens, praying for divorce from William F. Owens, and on leave, introduced

C. B. No. 16, a bill for "An Act to divorce Gertrude W. Owens from her husband William F. Owens."

Read first time.

On motion, rules were suspended,

Bill was read second time, and

Referred to committee on Territorial Library.

Mr. Mather introduced

C. B. No. 17, a bill for "An Act to regulate divorce and alimony."

Read first time.

On motion Council adjourned.

COUNCIL CHAMBER, }
Saturday, Sept., 28, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

A quorum present.

Absent—Mr. Steck.

Journal read and approved.

On motion of Mr. Mather,

Petitions of George E. Wilson and others, C. C. Post and others, and A. A. Crane and others, "praying that the action of the people in establishing courts and recording offices, outside of a Territorial organization, be confirmed," was

Referred to committee on Judiciary.

The committee on Military Affairs, to whom was referred C. B. No. 6, a bill for "An act to organize the militia of the Territory of Colorado," report the same back to the Council without amendment, and recommend its passage.

S. M. ROBBINS, Chairman.

Report received.

Notice of Bill:

By Mr. Robbins, a bill for "An Act to incorporate the Colorado Pacific, Wagon, Telegraph, and Railroad Company."

Mr. Parker introduced C. B. No. 18, a bill for "An Act concerning Descents and Distributions."

Read first time, and on motion, ordered printed.

Notice of Bill:

By Mr. Parker, a bill for "An Act to authorize the appointment of Referees in Civil Actions."

On leave, Mr. Colby introduced C. B. No. 19, a bill for "An act concerning Weights and Measures."

Read first time, and, on motion, ordered printed.

C. B. No. 17, a bill for "An Act to regulate Divorce and Alimony."

Read second time, and, on motion, referred to committee on Judiciary.

C. B. No. 14. a bill for "An Act concerning conveyances of Real Estate.

Read second time, and on motion, referred to committee on Judiciary.

C. B. No. 13, a bill for "An Act in relation to Bonds and Mortgages, and legal proceedings for their collection."

Read second time, and on motion,

Referred to committee on Judiciary.

On motion of Mr. Robbins, Council went into committee of the

whole on C. B. No. 6, a bill for "An Act to Organize the Militia of Colorado Territory," Mr. Robbins in the chair, committee rose and reported the bill back to the Council, amended in the 22nd section, by striking out the word "ten", before the word dollars, and inserting in its place the word "three," and striking out in third section the words "Practicing Physicians."

Report adopted.

Bill, as amended, read third time.

Passed.

Title agreed to.

On motion,

H. B. No. 2, "Joint resolution on the Federal Government," was taken up.

Mr. Mather moved that the Council recede from its amendment.

Ayes and nays demanded.

Ayes—Messrs. Colby, Graham, Mather, Robbins, Steck, Willis and Mr. President—7.

Nays—Mr. Parker—1.

Absent—Mr. Francisco.

Carried.

On motion,

Council adjourned until Monday, 10 o'clock A. M.

COUNCIL CHAMBER, }
Monday, Sept. 30th, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

A quorum present.

Absent—Messrs. Colby, Francisco and Willis.

Journal read and approved.

The committee on Territorial Library, to whom was referred the bill to dissolve the bonds of matrimony between Gertrude W. Owens and her husband, William F. Owens, respectfully report:—That the petition of Gertrude W. Owens sets forth an abandonment of herself and child, for a period of a year or more, in penury; and that during that time, no assistance from her said husband has been received; that during that interval, she has been obliged to subsist herself and her child by her own labor. The committee further report that the facts of the petition are well known to the committee, and therefore, report the bill amended, for the favorable action of the Council.

AMOS STECK, Chairman.

Report received.

On motion, rules were suspended, and

Mr. Steck introduced

C. B. No. 20, a bill for "An Act concerning actions by persons holding lands, except as against the United States."

Read first time.

Also, C. B. No. 21, a bill for "An Act concerning forcible entries and unlawful detainers."

Read first time.

Also, C. B. No. 23, a bill for "An act concerning limitations of actions."

Read first time.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
September 30th, 1861. }

Hon. President of the Council:

I am instructed to inform your honorable body, that the House has passed the following bill: H. B. No. 4, a bill for "An Act to incorporate the Blue River and Buffalo Flats Ditch Company," and respectfully request the concurrence of the Council.

F. H. PAGE, Chief Clerk.

H. B. No. 4, a bill for "An act to Incorporate the Blue River and Buffalo Flats Ditch Company."

Read first time, and on motion rules were suspended.

Bill read second time and referred to committee on Incorporations.

On motion rules were suspended, and

C. B. No. 16, a bill for "An act to divorce Gertrude W. Owens from her husband William F. Owens, was

Read a third time.

Passed.

Title agreed to.

Mr Colby introduced.

C. B. No. 22, a bill for "An act concerning Bills of Exchange and Promissory Notes.

Read first time.

On motion, Council adjourned.

AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

A quorum present.

Mr. Colby presented petitions of D. S. Goode and others. and H. D. Francis and others, praying for a charter for the Nevada Ditch.

On motion, petitions were referred to committee on Incorporations.

On motion, Council adjourned.

COUNCIL CHAMBER, }
 Tuesday October 1st, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

A quorum present.

Absent—Messrs. Steck and Willis.

The committee on Incorporations to whom was referred C. B. No. 9, a bill for "An act to Incorporate the Nevada Ditch Company," have had the same under consideration, and have instructed me to report the same back to the Council with the following amendments, to-wit:

By striking out in first section the words "twenty-five years," and inserting instead the words "ten years," and amending eighth section so as to read as follows:

"The said company shall have the right to charge and collect payment for all water furnished by the ditch, and used by others, at a rate not to exceed fifty cents per cubic inch for every twelve hours," and by striking out section ten.

A. U. COLBY, Chairman.

Report received.

The committee on Incorporations, to whom was referred H. B. No. 4, a bill for "An act to incorporate the Blue River and Buffalo Flats Ditch Company," have had the same under consideration, and have instructed me to report the same back to the Council and recommend its passage, with the following amendments, to-wit:

Strike out all of section nine, and amend section eighteen so as to make it read as follows:

"The said company shall not be allowed or authorized under any of the provisions of this act, to divert the water of any stream from its natural channel, when needed for the purpose of mining or working out mining claims on such streams."

A. U. COLBY, Chairman.

Report received.

The committee on Incorporations, to whom was referred C. B. No. 15, a bill for "An act to incorporate the Silver Spring Mining Company," have had the same under consideration, and instructed me to report the same back to the Council, with the following amendment, to-wit:

Amending section nine, so that it shall read as follows:

"The Silver Spring Mining Company shall have the power to purchase and hold real estate, mining claims and water power, for the purpose of carrying on the business of mining, and of crushing minerals either by water or steam power."

A. U. COLBY, Chairman.

Report received.

Notice of bills:

By Mr. Colby:

A bill for "An act to incorporate the Denver, Golden City, Golden Gate and Gregory Wagon Road Company."

By Mr. Graham:

A bill for "An act to incorporate the Cold Spring Valley Wagon Road Company."

Mr. Parker introduced

C. B. No. 24, a bill for "An act to authorize the appointment of referees in civil actions."

Read first time.

C. B. No. 20, a bill for "An act concerning actions by persons holding lands except as against the United States."

Read second time and, on motion, referred to Committee on Judiciary.

C. B. No. 21, a bill for "An act concerning forcible entries and unlawful detainers."

Read second time and, on motion, referred to Committee on Judiciary.

C. B. No. 22, a bill for "An act concerning Bills of Exchange and Promissory Notes."

Read second time, and on motion,
Referred to Committee on Judiciary.

C. B. No. 23, a bill for "An Act concerning Limitations of Actions."

Read second time, and on motion,
Referred to Committee on Judiciary.

The Committee on Territorial Library to whom was referred H. B. No. 14, a bill for "An act to dissolve the bonds of matrimony between Adam H. Bateman and Ellen C. Bateman."

Report the same back to the Council without amendment, and recommend its passage. AMOS STECK, Chairman.

Report received, and on motion, rules were suspended.

Bill was read third time.

Passed.

Title agreed to.

On motion of Mr. Colby, C. B's. No's 9. and 15, and H. B. No. 4, as reported by the Committee on Incorporations, were made the special order for 2 o'clock P. M.

On motion Council adjourned.

AFTERNOON SESSION:

Council met.

President in the chair.

A quorum present.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
October 1st, 1861. }

Honorable President of the Council:

I am instructed to inform the Council that C. B. No. 3, a bill for

"An Act to incorporate the Enterprise Wagon Road Company" has passed the House with the following amendment, to-wit, by adding the following clause to section 7. "Providing nothing in this Act shall be construed to authorize said corporation in exercising banking powers, or issuing paper to circulate as money.

F. H. PAGE, Chief Clerk.

On motion, Council concurred in House amendment to C. B. No. 3, a bill for "An Act to incorporate the Enterprise Wagon Road Company."

On motion, Council went into committee of the whole on C. B's. No's. 9 and 15, and H. B. No. 4, as reported by committee on Incorporations.

Mr. Graham in the chair, committee rose, and through their chairman made the following report.

The committee report H. B. No. 4 back to the Council, with the amendments of the committee on Incorporations, and recommend its passage; and that C. B. No. 9, a bill for "An act to incorporate the Nevada Ditch Company," be referred to a select committee.

Report adopted.

On motion, rules were suspended, and

H. B. No. 4, a bill for "An act to incorporate the Blue River and Buffalo Flats Ditch Company, was

Read third time. Passed. Title agreed to.

Mr. Robbins offered the following resolution:

Resolved, That C. B. No. 9, a bill for "An act to incorporate the Nevada Ditch Company," be referred to a special committee of three, with power to examine fully into the facts in the case, by evidence or otherwise, and report on the same to the Council.

Rules suspended and resolution adopted.

Messrs. Robbins, Parker and Mather were appointed such committee.

On motion, rules were suspended, and Mr. Willis introduced

C. B. No. 25, a bill for "An Act to define county boundaries and to locate county seats in Colorado Territory,"

Read first time, and, on motion, ordered printed.

On motion, Council adjourned.

COUNCIL CHAMBER, }
Wednesday, Oct. 2, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Absent—Messrs. Colby, Francisco, Robbins, Willis and Steck.

On motion of Mr. Mather, a call of the Council was ordered.

Mr. Steck appeared, and a quorum being present, further proceedings under the call were dispensed with.

Journal read and approved.

The committee on Enrolled and Engrossed Bills respectfully ask leave to report that they have examined C. B. No. 3, a bill for "An act to incorporate the Enterprise Wagon Road Company," and find the same correctly enrolled.

CHARLES W. MATHER, Chairman.

Report received.

C. B. No. 24, a bill for "An act to authorize the appointment of referees in civil actions,"

Read second time, and, on motion,
Referred to Committee on Judiciary.

Notice of bill, by Mr. Willis:

A bill for "An act to divorce Lydia G. C. Windecker from her husband Conrad Windecker.

On motion, Council adjourned.

AFTERNOON SESSION.

Council met.

President in the chair.

Absent—Messrs. Colby, Francisco, Robbins, Steck and Willis.

A quorum not being present, on motion,

Council adjourned.

COUNCIL CHAMBER, }
Thursday, Oct. 3d, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Absent—Mr. Robbins.

Journal read and approved.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
October 2d, 1861. }

Hon. President of the Council:

I am instructed to inform the Council that the House has passed the following bills:

H. B. No. 20, a bill for "An act regulating the mode of proceedings in replevin." H. B. No. 21, a bill for "An Act adopting the common law of England." H. B. No. 28, a bill for "An Act to Incorporate the Denver, Bradford and Blue River Road Company." H. B. No. 40, a bill for "An act regulating practice in chancery cases." H. B. No. 42, a bill for "An Act to prescribe the rate of interest." H. B. No. 50, a bill for "An Act to prevent and punish

resistance to officers," and respectfully ask the concurrence of the Council therein.

F. H. PAGE, Chief Clerk.

Mr. Colby introduced

C. B. No. 28, a bill for "An Act to dissolve the bonds of matrimony between Mary L. Tichenor and Philip K. Tichenor."

Read first time, and,

On motion, rules suspended.

Bill was read second time, and

Referred to a special committee, consisting of Messrs. Colby, Robbins, Mather, Willis and Francisco.

Mr. Willis introduced

C. B. No. 26, a bill for "An act to dissolve the bonds of matrimony between Lydia G. Windecker and Conrad Windecker."

Read first time, and,

On motion, rules were suspended, and

Referred to a special committee, consisting of Messrs. Robbins, Colby, Mather and Willis.

Mr. Graham introduced

C. B. No. 27, a bill for "An Act to incorporate the Cold Spring Valley Road Company."

Read first time, and,

On motion, rules were suspended.

Bill read second time, and

Referred to Committee on Highways and Bridges.

C. B. No. 29, a bill for "An act to Incorporate the Apex, Mount Vernon and Bradford Junction Wagon Road Company."

Read first time, and, on motion, rules were suspended.

Bill read second time, and referred to committee on Highways and Bridges.

H. B. No. 20, a bill for "An act regulating the mode of proceedings in Replevin."

Read first time.

H. B. No. 21, a bill for "An act adopting the common law of England."

Read first time.

H. B. No. 28, a bill for "An act to Incorporate the Denver, Bradford and Blue River Road Company."

Read first time, and, on motion, rules were suspended.

Read second time and referred to committee of the Whole.

H. B. No. 42, a bill for "An act to prescribe the rate of interest."

Read first time.

H. B. No. 50, a bill for "An act to prevent and punish resistance to officers."

Read first time.

H. B. No. 40, a bill for "An act regulating practice in chancery cases."

Read first time.

C. B. No. 19, a bill for "An act concerning weights and measures."

Read second time, and, on motion, referred to committee of the Whole.

C. B. No. 18, a bill for "An act concerning Descents and Distributions."

Read second time, and, on motion, referred to committee of the Whole.

On motion of Mr. Colby,

C. B. No. 15, a bill for "An act to Incorporate the Silver Spring Mining Company," was laid on the table.

On motion of Mr. Robbins, Council went into committee of the Whole on

H. B. No. 28, a bill for "An act to incorporate the Denver, Bradford and Blue River Road Company."

Mr. Robbins in the chair.

Committee rose and through their chairman reported that they had considered the bill and asked leave to sit again.

Report received.

On motion Council adjourned.

AFTERNOON SESSION.

Council met.

President in the chair.

A quorum present.

Mr. Colby moved that the Council adjourn.

Ayes and nays demanded.

Ayes—Messrs. Colby, Francisco and Willis—3.

Nays—Messrs. Graham, Mather, Parker, Robbins, Steck and Mr. President—6. Lost.

On motion, the resolution of Mr. Robbins, which laid over under the rules, asking for the appointment of an additional enrolling and engrossing clerk, whose duty should be to make a copy of the Journal in season to have it ready for the printer soon after the adjournment of the Council and to keep a correct docket of all Council and House Bills in the order in which they are offered, was taken up.

Mr. Colby moved that the Council proceed to the election of such clerk. Carried.

Mr. Mather nominated John Howard.

Mr. Colby nominated Edwin E. Cheney.

M. Colby moved that the Council adjourn.

Ayes and nays demanded.

Ayes—Messrs. Francisco, Graham, Robbins, Willis, and Mr. President—5.

Nays—Colby, Mather, Parker and Steck—4.

Carried.

Council adjourned.

COUNCIL CHAMBER,
Friday, October 4th, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

A quorum present.

Journal read and approved.

Absent—Messrs. Francisco and Willis.

Message from the Governor.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,
Denver, October 3rd, 1861. }

To the President of the Council of the Legislative Assembly:

SIR: I have approved an act entitled "An Act to incorporate the Enterprise Wagon Road Company."

Very respectfully,
WILLIAM GILPIN.

The Committee on Judiciary to whom various Bills were referred, beg leave to report that they have examined the following Bills, and recommend favorable action thereon, viz:

C. B. 24, a bill for "An Act to authorize the appointment of Referees in Civil Actions." Also,

C. B. No. 17, a bill for "An Act to regulate Divorce and Alimony." Also,

C. B. No. 14, a bill for "An Act concerning conveyances of Real Estate. Also,

C. B. No. 13, a bill for "An Act in relation to Bonds and Mortgages, and legal proceedings for their collection." Also,

C. B. No. 20, a bill for "An Act concerning Actions by persons holding lands, except as against the United States.

The Committee have made only such changes as were thought necessary to harmonize the same with other Bills likely to be passed by the Legislative Assembly.

AMOS STECK, Chairman.

Report received.

Mr. Graham, chairman of the Committee on Highways and Bridges, to whom was referred C. B. No. 27, made the following report. A majority of your committee to whom was referred C. B. No. 27, a bill for "An Act to Incorporate the Cold Spring Valley Wagon Road Company," report the same back to the Council without amendment, and recommend its passage.

H. P. GRAHAM,
R. B. WILLIS,

Mr. Robbins from the same committee made the following minority report.

The undersigned one of the committee to whom was referred, C. B. No. 27, a bill for "An Act to Incorporate the Cold Spring Valley Wagon Road Company" begs leave to report, that a portion of the line contemplated in said charter, has been claimed and used by

another road company, that the matters in dispute have been subjected to several arbitrations, and suits at law, and in the opinion of the undersigned the said charter should be amended so that nothing in it contained shall be construed so as to effect the legal rights of parties claiming adversely to said Cold Spring Valley Wagon Road Company.

S. M. ROBBINS.

Mr. Mather offered the following resolution:

Resolved, That the committee on Incorporations be required to report, to-morrow, C. B. No. 2, a bill for "An Act to incorporate the Pittsburg and Rocky Mountain Gold Mining Company," with such recommendations as they may see fit.

Laid over under the rules.

Notice of bills:

By Mr. Steck:

A bill for "An Act in relation to Grand and*Petit Juries;" also,

A bill for "An act relating to courts heretofore established, and to transfers of property heretofore made."

H. B. No. 20, a bill for "An act regulating the mode of proceedings in replevin."

Read second time, and

On motion, referred to committee on Judiciary.

H. B. No. 40, a bill for "An act regulating practice in chancery cases."

Read second time, and

On motion, referred to committee on Judiciary.

H. B. No. 42, a bill for "An act to prescribe the rate of interest."

Read second time, and

On motion, referred to committee on Judiciary.

H. B. No. 50, a bill for "An act to prevent and punish resistance to officers."

Read second time, and

On motion, referred to committee on Judiciary.

Mr. Robbins moved that

H. B. No. 28, a bill for "An act to incorporate the Denver, Bradford and Blue River Road Company," and

C. B. No. 29, a bill for "An act to incorporate the Apex, Mount Vernon and Bradford Junction Wagon Road Company," be referred to a select committee of three.

Mr. Colby moved that the motion of Mr. Robbins be laid on the table. Carried.

On motion of Mr. Colby,

Council proceeded to the election of an enrolling and engrossing Clerk.

After the third ballot, there being no election,

On motion of Mr. Robbins,

Council went into Committee of the Whole, on the General File.

Mr. Robbins in the chair.

Committee rose and made the following report:

The committee have considered

C. B. No. 11, a bill for "An act declaratory of the rights of occupants of the public domain, except as against the United States," and report the same back to the Council, amended, and recommend its passage. Also, have considered

C. B. No. 20, a bill for "An act concerning actions by persons holding lands, except as against the United States," and ask leave to sit again.

S. M. ROBBINS, Chairman.

Report received.

On motion, Council adjourned.

AFTERNOON SESSION.

Council met.

President in the chair.

A quorum present.

On motion of Mr. Mather, Council went into committee of the Whole, on the general file.

Mr. Mather in the chair.

Committee rose, and made the following report:

The committee of the Whole, having had under consideration C. B. No. 13, a bill for "An act in relation to bonds and mortgages, and legal proceedings for their collection." Also,

C. B. No. 17, a bill for "An act to regulate divorce and alimony."

Also, C. B. No. 18, a bill for "An act concerning descents and distributions." Also,

C. B. No. 24, a bill for "An act to authorize the appointment of referees in civil actions,"

Report the same back to the Council, and recommend their passage.

They further report that they have had under consideration,

C. B. No. 14, a bill for "An act concerning conveyances of real estate," and recommend that the bill be amended by striking out the word "full," in the second line of the second section; also, by striking out section 13, and recommend that it pass as amended.

C. W. MATHER, Chairman.

Report received.

On motion of Mr. Colby, Council proceeded to elect an Enrolling and Engrossing Clerk.

On the third ballot, Edwin E. Cheney, receiving a majority of all the votes cast, was declared duly elected.

Mr. Graham moved that the Council adjourn.

Ayes and nays demanded:

Ayes—Messrs. Colby, Francisco, Graham, Parker, Willis and Mr. President—6.

Nays—Messrs. Mather, Robbins and Steck—3. Carried.

Council adjourned.

COUNCIL CHAMBER, }
 Saturday, October 5th, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

A quorum present.

Journal read and approved.

Mr. Mather presented petition of W. E. Sisty and others, relative to the Consolidated Ditch Company.

On motion referred to committee on Incorporations.

The committee on Incorporations to whom was referred :

C. B. No. 2, a bill for "An act to Incorporate the Rocky Mountain and Pittsburg Gold Mining Company," have had the same under consideration, and have instructed me to report the same back to the Council without amendment.

A. U. COLBY, Chairman.

Report received.

The committee on printing to whom was referred :

C. B. No. 12, a bill for "An Act to regulate and establish the rates of charges for publication of legal advertisements," report the same back without amendment, and recommend its passage.

A. U. COLBY, Chairman.

Report received.

The committee on Judiciary, to whom was referred various bills, report bills as follows, and recommend favorable action thereon, viz :

H. B. No. 50, a bill for "An act to prevent and punish resistance to officers." Also,

H. B. No. 42, a bill for "An act to prescribe the rate of interest."

AMOS STECK, Chairman.

Report received.

On leave, Mr. Mather withdrew his resolution relative to C. B. No. 2, offered yesterday, and laid over under the rules.

Message from the House of Representatives.

HOUSE OF REPRESENTATIVES, }
 October 3, 1861. }

Hon. President of the Council:—

I am instructed to inform your honorable body that the House has concurred in the amendment proposed by the Council to H. B. No. 4, a bill for "An act to incorporate the Blue River and Buffalo Flats Ditch Company." Also,

That H. B. No. 3, a bill for "An act to Incorporate the Consolidated Ditch Company," has passed the House, and the concurrence of the Council is respectfully requested.

F. H. PAGE Chief Clerk.

H. B. No. 3, a bill for "An act to incorporate the Consolidated Ditch Company."

Read first time, and on motion of Mr. Colby, rules were suspended.

Bill read second time, and referred to committee on Incorporations.

C. B. No. 11., a bill for "An Act declaratory of the rights of occupants of the Public Domain, except as against the United States," was taken up.

On motion of Mr. Graham, the amendments of the committee of the Whole were adopted.

C. B. No. 13, a bill for "An act in relation to bonds and mortgages, and legal proceedings for their collection," was taken up.

On motion, ordered engrossed, and to be read third time.

On motion of Mr. Steck, the amendment of the committee of the Whole, striking out section thirteen of H. B. No. 14, a bill for "An act concerning conveyances of real estate," was not concurred in, and bill was ordered to a third reading.

Mr. Mather moved that H. B. No. 28, a bill for "An act to incorporate the Denver, Bradford and Blue River Road Company," and

C. B. No. 29, a bill for "An act to incorporate the Apex, Mount Vernon and Bradford Junction Wagon Road Company,"

Be referred to a select committee of five, with orders to report on the same.

On motion of Mr. Steck, the motion of Mr. Mather was laid on the table.

On motion of Mr. Robbins, Council went into committee of the Whole on

H. B. No. 28, a bill for "An act to incorporate the Denver, Bradford and Blue River Road Company."

Mr. Mather in the chair.

Committee rose, and reported as follows:

The committee of the Whole, having had under consideration

H. B. No. 28; a bill for "An act to incorporate the Denver, Bradford and Blue River Road Company,"

Report the bill back to the Council, and recommend its passage.

C. W. MATHER, Chairman.

Mr. Steck moved that the report be adopted; pending which,

Mr. Parker moved that the Council adjourn. Lost.

Question recurring on the previous question, it was carried.

Mr. Robbins moved that the bill be read third time and passed; pending which,

Mr. Mather moved that the Council adjourn.

Ayes and Nays demanded:

Ayes—Messrs. Graham, Mather, Parker and Mr. President—4.

Nays—Messrs. Colby, Francisco, Robbins, Steck and Willis—5.

Lost.

Mr. Mather moved to adjourn until Monday, 10 o'clock A. M.

Ayes and nays demanded.

Ayes—Messrs. Graham, Mather and Mr. President—3.

Nays—Messrs. Colby, Francisco, Parker, Robbins, Steck and Willis—6. Lost.

Mr. Parker offered the following amendment to H. B. No. 28, to-wit:

"Nothing in this act shall be construed as a bar against other

parties than those herein named, who may have claims against said road, or for title to the same in any matter whatsoever. Lost.

On motion of Mr. Robbins, bill was

Read third time.

Passed. Title agreed to.

On motion, Council adjourned until 10 o'clock A. M., Monday.

COUNCIL CHAMBER, }
Monday, Oct. 7, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

A quorum present.

Journal read and approved.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
October 7th, 1861. }

Honorable President of the Council:

I am instructed to inform your honorable body that the House has passed the following bills:

H. B. No. 53, a bill for "An act to Incorporate the Apex and Gregory Road Company."

H. B. No. 68, a bill for "An act to dissolve the Bonds of Matrimony between William W. Silsbee and Laura Silsbee," and respectfully request your concurrence therein.

F. H. PAGE, Chief Clerk.

The Committee on enrolled and engrossed bills respectfully ask leave to report that they have examined, C. B. No. 11, a bill for "An act declaratory of the Rights of Occupants of the Public Domain, except as against the United States." Also,

C. B. No. 13, a bill for "An act in relation to Bonds and Mortgages and Legal Proceedings for their collection," and find them correctly engrossed.

CHARLES W. MATHER, Chairman.

Report received.

H. B. No. 53, a bill for "An act to Incorporate the Apex and Gregory Road Company."

Read first time, and, on motion, rules were suspended.

Bill read second time, and referred to committee on Highways and Bridges.

H. B. No. 68, a bill for "An act to dissolve the bonds of Matrimony between William W. Silsbee and Laura Silsbee."

Read first time, and on motion,

Rules were suspended.

Bill read second time,

And referred to a select committee consisting of Messrs Willis, Mather and Parker.

On motion,

C. B. No. 25, a bill for "An act to define county boundaries, and to locate county seats in Colorado Territory," and referred to committee of the whole.

C. B. No. 11, a bill for "An act declaratory of the Rights of Occupants of the Public Domain, except as against the United States."

Read third time.

Passed.

Title agreed to.

C. B. No. 13, a bill for "An act in relation to bonds and Mortgages and Legal Proceedings for their collection."

Read third time

Passed.

Title agreed to.

The committee on Judiciary to whom was referred H. B. No. 20, a bill for "An act regulating the mode of proceedings in replevin," respectfully report the bill with the following recommendation to-wit: to strike out section 9, and with this amendment recommend its passage.

AMOS STECK, Chairman.

Report received.

On motion, Council went into committee of the whole, on H. B. No. 20, a bill for "An act regulating the mode of proceedings in replevin," and C. B. No. 25, a bill for "An act to define county boundaries, and to locate county seats, in Colorado Territory."

Mr. Mather in the chair.

Committee rose and made the following report:

The committee of the whole, having had under consideration H. B. No. 20, recommend that section 9 in said bill, be stricken out, and that it pass as amended. Also, that they have considered C. B. No. 25, and ask leave to sit again.

C. W. MATHER, Chairman.

Report received.

On motion Council adjourned.

AFTERNOON SESSION.

Council met.

President in the chair.

Mr. Steck offered the following resolution:

Resolved, That Edward Bliss, the Public Printer, be notified, by the Secretary of the Council, that the style of the enacting clause of all bills is, "Be it enacted by the Council and House of Representatives of Colorado Territory."

On motion, rules were suspended, and resolution adopted.

On motion of Mr. Robbins, Council went into committee of the

whole, on C. B. No. 25, a bill for "An act to define county boundaries, and to locate county seats, in Colorado Territory."

Mr. Francisco in the chair.

Committee rose, and reported that they had considered C. B. No. 25, and asked leave to sit again.

Report received.

The committee to whom was referred H. B. No. 68, a bill for "An act to dissolve the bonds of matrimony between William W. Silsbee and Laura Silsbee," have had the same under consideration, and have directed me to report the same, without amendment, and recommend its passage.

R. B. WILLIS, Chairman.

Report received.

The committee on Judiciary respectfully report H. B. No. 21, a bill for "An act adapting the common law of England," and C. B. No. 20, a bill for "An act concerning actions by persons holding lands except as against the United States"—the latter with amendments—and recommend the same to the favorable action of the Council.

AMOS STECK, Chairman.

Mr Steck moved that C. B. No. 20, a bill for "An act concerning actions by persons holding lands except as against the United States," be engrossed and read third time; pending which,
On motion Council adjourned.

COUNCIL CHAMBER, }
Tuesday October 8th, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Absent—none.

Journal read and approved.

Mr. Mather Moved that the rules be suspended, and that C. B. No. 28, a bill for "An act to dissolve the bonds of matrimony between Mary L. Techenor and Philip K. Techenor," be reconsidered. Lost.

The committee on Enrolled and Engrossed Bills report that they have examined:

C. B. No. 14, a bill for "An act concerning conveyances of real estate," and,

C. B. No. 17, a bill for "An act to regulate Divorce and Alimony," and find the same correctly engrossed.

C. W. MATHER, Chairman.

Report received.

The committee on Incorporations to whom was referred, H. B. No. 3, a bill for an "An act to Incorporate the Consolidated

Ditch Company," had the same under consideration, and report the same back to the Council without amendment, and recommend its passage.

A. U. COLBY, Chairman.

Report received.

The special committee to whom was referred

A bill entitled "An act to dissolve the bonds of matrimony between Lydia G. C. Windecker and Conrad Windecker," have had the same under consideration, and report the same back to the Council without amendment, and recommend its passage.

S. M. ROBBINS, Chairman.

Report received.

Notice of Bill:

By Mr. Mather, a bill for "An act to incorporate the Vasquez River Mining Company."

On motion of Mr. Steck, the amendments to C. B. No. 20, a bill for "An act concerning actions by persons holding lands except as against the United States," were adopted, and bill ordered engrossed and read third time.

C. B. No. 14, a bill for "An act concerning conveyances of real estate."

Read third time. Passed. Title agreed to.

C. B. No. 17, a bill for "An act to regulate divorce and alimony."

Read third time. Passed. Title agreed to.

On motion, Council went into committee of the Whole on the general file. Mr. Robbins in the chair.

Committee rose, and reported that they had considered H. B. No. 3, a bill for "An act to incorporate the Consolidated Ditch Company," and reported it back to the Council without amendment, and recommend its passage. Also, that they had considered C. B. No. 25, a bill for "An act to define county boundaries and to locate county seats in Colorado Territory," and asked leave to sit again.

Report adopted.

On motion, Council adjourned.

AFTERNOON SESSION.

Council met.

President in the chair.

A quorum present.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
October 8, 1861. }

Hon. President of the Council:

The First Assistant Clerk of the House has been specially ordered by the presiding officer to inform the Council that the following bills have passed the House:

H. B. No. 16, a bill for "An act relative to Notaries Public."

H. B. No. 19, a bill for "An act concerning practice in civil cases."

H. B. No. 31, a bill for "An act incorporating the Tarryall and Arkansas River Road Company."

H. B. No. 45, a bill for "An act concerning warrants of towns and cities."

H. B. No. 51, a bill for "An act to incorporate the Boulder City Lumbering Company."

H. B. No. 58, a bill for "An act to incorporate the Swan River and Georgia Gulch Water Company."

H. B. No. 62, a bill for "An act to regulate weights and measures."

H. B. No. 64, a bill for "An act incorporating the Park Junction, Georgia and French Gulch Road Company."

H B No. 66, a bill for "An act to create a lien in favor of ranchmen and others."

H B No. 70, a bill for "An act concerning chattel mortgages."

H B No. 71, a bill for "An act to establish the office of County Attorney, and to define his duties."

H B No. 72, a bill for "An act concerning evidence and depositions."

H B No 73, a bill for "An act concerning costs."

H B No. 74, a bill for "An act concerning attorneys and counselors at law." Also,

Joint memorial No. 1, relative to school lands.

And the concurrence of the Council is respectfully requested.

I also return to your honorable body,

C B No. 5, a bill for "An act concerning fraudulent conveyances and contracts relative to real and personal property," the same having passed the House with the following amendments, to-wit:

By striking out the words "or subsequent," in the last line of section eleven, and by striking out the words "expressing the consideration," in section 12, and by striking out section seventeen.

F. H. PAGE, Chief Clerk.

On motion, Council went into committee of the whole on the general file.

Mr. Mather in the chair.

Committee rose, and through the chairman made the following report.

The committee of the whole having had under consideration C. B. No. 25, a bill for "An act to define county boundaries, and to locate county seats in Colorado Territory." also,

C. B. No. 2, a bill for "An act to Incorporate the Rocky Mountain and Pittsburg Gold Mining Company." also,

C. B. No. 12, a bill for "An act to regulate and establish the rates of charges for publication of Legal Advertisements." also,

C. B. No. 19, a bill for "An act concerning Weights and Measures," and

C. B. No. 26, a bill for "An act to dissolve the bonds of matrimony between Lydia G. C. Windecker and Conrad Windecker." also,

H. B. No. 21, a bill for "An act adopting the common law of England," and

H. B. No. 68, a bill for "An act to dissolve the Bonds of Matrimony between William W. Silsbee and Laura Silsbee," report the same back to the Council and recommend their passage.

They have also considered C. B. No. 27, a bill for "An act to Incorporate the Cold Spring Valley Road Company," and ask leave to sit again.

CHARLES W. MATHER, Chairman.

Report received.

On motion Council adjourned.

COUNCIL CHAMBER,
Wednesday, October 9th, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

A quorum present.

Journal read and approved.

Joint Memorial No. 1, "Relative to school Lands," was read, and referred to committee on Federal Relations.

Committee on Highways and Bridges to whom was referred,

H. B. No. 53, a bill for "An act to Incorporate the Apex and Gregory Road Company."

Have had the same under consideration, and requested me to report the same back without amendment and recommend its passage.

H. J. GRAHAM, Chairman.

Report received.

The committee on Judiciary respectfully report H. B. No. 40, a bill for "An act regulating Practice in Chancery Cases," and recommend its passage.

AMOS STECK, Chairman.

Report received.

Mr. Colby offered the following resolution:

Resolved, That no bill of a private nature shall be considered or acted upon by the committees, except those which are now before the Council, for two weeks from this date.

Rules suspended, and resolution adopted.

On motion of Mr. Mather,

Rules were suspended, and the following bills were read first time by title:

H. B. No. 19, a bill for "An act concerning practice in civil cases."

H. B. No. 45, a bill for "An act concerning warrants for towns and cities."

H. B. No. 62, a bill for "An act to regulate weights and measures."

H. B. No. 66, a bill for "An act to create a lien in favor of ranchmen and others."

H B No. 70, a bill for "An act concerning chattel mortgage."

H B No. 71, a bill for "An act to establish the office of county attorney, and to define his duties."

H B No. 72, a bill for "An act concerning evidence and depositions."

H B No. 73, a bill for "An act concerning costs."

H B No. 74, a bill for "An act concerning attorneys and counselors at law."

H B No. 16, a bill for "An act relative to notaries public."

On motion of Mr. Mather,

Rules were suspended, and the bills read second time, and

Referred as follows:

H B No's. 16, 19, 45, 66, 70, 72, 73, 74, to the committee on Judiciary.

H B No. 62, to committee on Ways and Means.

H B No. 71, to committee on Counties.

H B No. 3, a bill for "An act to incorporate the consolidated ditch company."

Read third time.

Title agreed to. Passed.

H B No. 21, a bill for "An act adopting the common law of England."

Read third time.

Passed.

Title agreed to.

H B No. 68, a bill for "An act to dissolve the bonds of matrimony between William W. Silsbee and Laura Silsbee."

Read third time.

Ayes and nays demanded on its passage.

Ayes—Messrs. Colby, Francisco, Graham, Mather, Parker, Robbins, Steck, Willis and Mr. President—8.

Nays—none.

Passed.

Title agreed to.

The select committee, to whom was referred the bill for "An act to dissolve the bonds of matrimony between Mary L. Tichenor and Philip K. Tichenor," report that they have had the same under consideration; that the said Mary L. Tichenor appeared before them, and fully substantiated the allegations in her petition contained, and that in the opinion of your committee, the said Mary L. Tichenor should be divorced from the bonds of matrimony with the said Philip K. Tichenor.

A. U. COLBY, Chairman.

S. M. ROBBINS,

J. M. FRANCISCO,

R. B. WILLIS.

Report received and committee discharged.

Mr. Parker moved that the report be laid upon the table.

Ayes and nays demanded.

Ayes—Messrs, Mather and Parker—2.

Nays—Messrs. Colby, Francisco, Graham, Robbins, Steck, Willis and Mr. President—7. Lost.

On motion of Mr. Robbins, rules were suspended, and

H B No 53, a bill for "An act to incorporate the Apex and Gregory Road Company," was read a third time.

Passed.

Title agreed to.

Mr. Graham moved a reconsideration.

Mr. Steck moved to lay the motion on the table. Carried.

The committee on Judiciary, to whom was referred

C B No 4, a bill for "An act to confirm the action of the people within the limits of the present Territory of Colorado, in establishing Courts and Recording Offices in the absence of a Territorial Organization," and C B No 21, a bill for "An act concerning Forcible Entries and unlawful Detainers," respectfully report C B No 4. amended, and C B No 21, without amendment and recommend their passage.

AMOS STECK, Chairman.

On motion Council adjourned.

AFTERNOON SESSION.

Council met.

President in the chair.

A quorum present.

Mr. Graham moved that

C. B. No. 29, a bill for "An act to Incorporate the Apex, Mount Vernon, and Bradford Junction Wagon Road Company" be laid upon the table.

Carried.

The committee on enrolled and Engrossed Bills, report that C. B. No. 18, a bill for "An act concerning Descents and Distributions," and C. B. 20, a bill for "An act concerning Actions by persons holding lands, except as against the United States," are correctly engrossed.

C. W. MATHER, Chairman.

Report received.

On motion, Council went into committee of the whole on the general file.

Mr. Parker in the chair.

Committee rose and made the following report.

The committee have considered C. B. No. 21, a bill for "An act concerning forcible Entries and unlawful Detainers," and report the same back to the Council, and recommend its passage, also have considered H. B. No. 50, a bill for "An act to prevent and punish Resistance to Officers," and recommend its passage.

H. F. PARKER, Chairman.

Report received.

Message from the House of Representatives:.

HOUSE OF REPRESENTATIVES, }
October 9th, 1861. }

Honorable President of the Council:

The first assistant clerk of the House is specially ordered by the presiding officer, to inform the Council that the following Bills have passed the House:

H. B. No. 41, a bill for "An act concerning criminal jurisprudence."

H. B. No. 47, a bill for "An act to Incorporate the City of Denver."

H. B. No. 76, a bill for "An act concerning Amendments and Jeofails."

H. B. No. 69, a bill for "An act concerning Justices of the Peace and Constables."

H. B. No. 75, a bill for "An act concerning Judgments and Executions."

H. B. No. 77, a bill for "An act concerning Venire, and the concurrence of the Council is respectfully requested.

F. H. PAGE, Chief Clerk.

On motion, Council refused to concur in House amendment to C B No. 5, a bill for "An act concerning fraudulent conveyances and contracts relative to real and personal property."

On motion, Council adjourned.

COUNCIL CHAMBER, }
Thursday, Oct. 10, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Absent—Mr. Robbins.

Journal read and approved.

The Judiciary Committee to whom was referred C B 22, a bill for "An act concerning bills of exchange and promissory notes," and H B No. 45, a bill for "An act concerning warrants of towns and cities;" also, H B No. 66, a bill for "An act to create a lien in favor of ranchmen and others," report the said bills, with the recommendation that they do pass.

AMOS STECK, Chairman.

Report received.

The committee on Judiciary, to whom was referred H B No. 70, a bill for "An act concerning chattel mortgages," report the bill to the Council, with the recommendation that it be indefinitely postponed.

AMOS STECK, Chairman.

Mr. Colby offered the following resolution:

Resolved, That the Secretary of the Council be instructed to furnish the Public Printer with a calendar of all the bills presented in the Council up to this date, that the same may be printed for the use of this chamber.

On motion, rules were suspended, and resolution adopted.

The following resolution, introduced by Mr. Mather and laid over under the rules, was taken up.

Resolved, That the rules of this Council shall not be suspended, except by a two-thirds vote, if objection be made.

On motion, adopted.

Mr. Steck introduced C B No. 31, a bill for "An act concerning grand and petit juries."

Read first time, and,

On motion, rules suspended.

Bill was read second time, and

Referred to committee on Judiciary.

Notice of bills:

By Mr. Graham:

A bill for "A general road incorporation act."

By Mr. Parker:

A bill for "An Act to incorporate a general rail road bill for the Territory of Colorado."

On motion, rules were suspended, and

The following bills were read first and second time:

H B No. 41, a bill for "An act concerning criminal jurisprudence."

On motion, referred to committee on Judiciary.

H B No. 69. a bill for "An act concerning Justices of the Peace."

On motion, referred to committee on Judiciary.

H B No. 47, a bill for "An act to incorporate the city of Denver."

On motion, referred to a select committee, consisting of Messrs. Steck, Parker and Robbins.

H B No. 75, a bill for "An act concerning judgment and executions."

On motion, referred to committee on Judiciary.

H B No. 77, a bill for "An act concerning venire."

On motion, referred to committee on Judiciary.

H B No. 76, a bill for "An act concerning amendments and jeofails."

On motion, referred to committee on Judiciary.

On motion, C B No. 21, a bill for "An act concerning forcible entries and unlawful detainers," was ordered engrossed.

Message from the House of Representatives.

HOUSE OF REPRESENTATIVES, }
 October 10, 1861. }

Hon. President of the Council:—

I am instructed to inform the Council that the House has passed:
 H B No. 29, a bill for "An act to incorporate the Camp Weld
 and Denver ditch and water company."

H B No. 39, a bill for "An act concerning lost goods and estrays."

H B No. 65, a bill for "An act to provide for contested elections," and the concurrence of the Council is respectfully requested.

F. H. PAGE Chief Clerk.

H. B. No. 50, a bill for "An act to prevent and punish resistance to officers," was taken up, pending which,
 On motion Council adjourned.

AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

A quorum present.

Notices of bills:

By Mr Colby,

A bill for "An act to exempt Mining Claims of the Colorado Volunteers from forfeiture, under the local laws of Mining Districts."

The committee on Enrolled and Engrossed Bills report.

C B No 25, a bill for "An act to define county boundaries and to locate county seats, in Colorado Territory," as correctly engrossed.

C. W. MATHER, Chairman.

Report received.

On motion of Mr. Steck,

C B. No 25, a bill for "An act to define county boundaries and to locate county seats in Colorado Territory," was amended by substituting the name of Larimer in the place of Laporte in the 20th and 21st sections.

Bill as amended was read a third time. Passed. Title agreed to.

C. B. No. 18, a bill for "An act concerning Descents and Distributions."

Read third time. Passed. Title agreed to.

C. B. No. 20, a bill for "An act concerning actions by persons holding lands, except as against the United States,"

Read third time. Passed. Title agreed to.

On motion, Council adjourned.

COUNCIL CHAMBER, }
 Friday, October 11, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

A quorum present.

Absent—Messrs. Francisco and Willis.

Journal read and approved.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
October 10th, 1861. }

Hon. President of the Council:

I am directed by the House to inform the Council that
C B No 6, a bill for "An act to Organize the Militia," has passed
the House without amendment:

F. H. PAGE, Chief Clerk.

The committee on Engrossed and Enrolled Bills respectfully
report that they have examined

C. B. No. 2, a bill for "An act to Incorporate the Rocky Mountain
and Pittsburg Gold Mining Company." Also,

C. B. No. 12, a bill for "An act to regulate and establish the rates
of charges for publication of Legal Advertisements," also,

C. B. No. 17, a bill for "An Act to regulate Divorce and Alimony."
Also,

C. B. 24, a bill for "An Act to authorize the appointment
of Referees in Civil Actions," and

C. B. No. 26, a bill for "An act to dissolve the bonds of Matri-
mony between Lydia G. C. Windecker, and Conrad Windecker"
and find the same correctly engrossed.

C. W. MATHER, Chairman.

Report received.

Mr. Graham introduced,

C. B. No. 32, a bill for "A General act to Incorporate Wagon
Companies."

Read first time.

H. B. No. 39, a bill for "An act concerning Lost Goods and
Estrays." Read first time.

H. B. No. 65, a bill for "An act to provide for contested elections."
Read first time.

C. B. No. 2, a bill for "An act to Incorporate the Rocky Moun-
tain and Pittsburg Gold Mining Company," was taken up.

On motion of Mr. Mather, the name of Henry W. Patterson was
added to the list of corporators. Bill as amended was read third time.

Passed.

Title agreed to.

C. B. No. 24, a bill for "An act to authorize the appointment of
Referees in civil actions.

Read third time

Passed.

Title agreed to.

C. B. No. 26, a bill for "An act to dissolve the bonds of Matrimony between Lydia G. C. Windecker, and Conrad Windecker," was taken up.

Mr. Mather moved that the bill be laid upon the table.

Ayes and nays demanded.

Ayes—Messrs. Graham, Mather, Parker and Steck—4.

Nays—Messrs Colby, Francisco, Robbins, Willis and Mr. President—5. Lost.

Bill was read third time.

Ayes and nays demanded on the passage of the bill.

Ayes—Messrs Colby, Francisco, Graham, Mather, Robbins, Steck and Willis—7.

Nays—Messrs Parker and Mr. President—2.

Passed. Title agreed to.

C. B. No. 28, a bill for "An act to dissolve the Bonds of Matrimony between Mary L. Tichenor and Philip K. Tichenor."

Read third time,

Ayes and nays demanded on the passage of the bill.

Ayes—Messrs Colby, Francisco, Graham, Mather, Robbins, Willis and Mr President—7.

Nays—Messrs Parker and Steck—2.

Passed.

Title agreed to.

C B No. 12, a bill for "An act to regulate and Establish the Rates of charges for publication of Legal Advertisements."

Read third time.

Passed.

Title agreed to

On motion,

Council adjourned.

AFTERNOON SESSION:

Council met.

President in the chair.

A quorum present.

On motion of Mr Willis,

Rules were suspended, and H B No. 39, a bill for "An act concerning lost goods and estrays," was read second time, and referred to committee on Judiciary."

Notice of Bill:

By Mr Colby.

A bill for "An act for the proteccion of wild game in Colorado Territory."

On motion of Mr. Willis, Council went into committee of the whole on the general file. Mr Willis in the chair.

Committee rose; and made the following report:

The committee of the whole have considered H B No. 20, a bill for "An act regulating the mode of proceedings in Replevin," also,

H B No. 40, a bill for "An act regulating Practice in chancery cases," also,

H B No. 42, a bill for "An act to prescribe the rate of interest," also,

H B No. 45, a bill for "An act concerning Warrants of Towns and Cities," also,

C B No. 27, a bill for "An act to incorporate the Cold Spring Valley Road Company," also,

C B No. 22, a bill for "An act concerning bills of exchange and Promissory Notes," and recommend their passage. They have also considered C B No. 4, a bill for "An act to confirm the Action of the People within the limits of the present Territory of Colorado, in establishing courts and Recording Offices in the absence of a Territorial Organization," and recommend that it be referred to a special committee, also recommend that H B No. 70, a bill for "An act concerning chattel Mortgages" be indefinitely postponed, also, have amended H B No. 66, a bill for "An act to create a Lien in favor of Ranchmen and others," and recommend its passage.

R. B. WILLIS, Chairman.

Report received.

On motion, C B No. 27, a bill for "An act to incorporate the Cold Spring Valley Wagon Road Company," was

Read third time. Passed. Title agreed to.

Mr. Graham moved to reconsider. Lost.

On motion, Council adjourned until 10 o'clock A. M., Monday.

COUNCIL CHAMBER,
Monday, Oct. 14, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Absent—none.

Journal read and approved.

Mr. Mather presented petition of John Marony and others, praying that the records and decisions of the courts, outside of the Territorial organization, be legalized.

On motion, referred to committee on Judiciary.

Mr Parker presented petition of C. H. Morgan and others, praying for the adoption of the common law practice, as modified by the Illinois Statute.

On motion, referred to committee on Judiciary.

The Judiciary Committee to whom was referred H B No. 41, a bill for "An act concerning criminal jurisprudence," respectfully report the same to the Council, with the recommendation that it be considered in committee of the Whole.

AMOS STECK, Chairman.

Report received.

C B No. 32, a bill for "A general act to incorporate wagon road companies,"

Read second time, and, on motion,

Referred to committee on Highways and Bridges.

On motion, H B No. 39, a bill for "An act concerning lost goods and estrays," was referred to committee on Agriculture.

H B No. 65, a bill for "An act to provide for contested elections,"

Read second time, and on motion,

Referred to committee on Elections.

C B No. 22, a bill for "An Act concerning bills of exchange and promissory notes,"

Read third time.

Passed.

Title agreed to.

On motion of Mr Steck, Council struck out section nine, of

H B No. 20, a bill for "An act regulating the mode of proceedings in replevin."

Bill, as amended,

Read third time.

Passed.

Title agreed to.

Ayes and nays being demanded on the adoption of the amendments of the committee of the Whole, to H B No. 66, a bill for "An act to create a lien in favor of ranchmen and others," the vote was as follows:

Ayes—Messrs Francisco, Graham, Mather, Parker, Robbins and Steck—6.

Nays—none. Carried.

Bill was read third time.

Passed.

Title agreed to.

H B No. 42, a bill for "An act to prescribe the rate of interest."

Read third time.

Passed.

Title agreed to.

On motion of Mr Parker, a call of the house was ordered.

On motion of Mr Steck, further proceedings under the call were dispensed with, and

H B No. 40, a bill for "An act regulating practice in chancery cases," was

Read third time.

Passed.

Title agreed to.

H B No. 45, a bill for "An act concerning warrants of cities and towns," read third time, and

On motion of Mr. Steck, laid over.

On motion of Mr Steck,

H B No. 50, a bill for "An act to prevent and punish resistance to officers," was

Amended as follows, to-wit:

By striking out all after the word "Territory," in fifth line, second section, and to, and including, the word "offending," in fourth line from the bottom of the page, and inserting the words "such person or persons," instead.

Bill, as amended,

Read third time.

Passed.

Title agreed to.

C B No. 19, a bill for "An act concerning weights and measures."

Read third time.

Passed.

Title agreed to.

On motion of Mr Steck,

Council went into committee of the Whole on

H B No. 41, a bill for "An act concerning criminal jurisprudence."

Mr. Graham in the chair.

Committee rose, and asked leave to sit again at 2 o'clock P. M.

Report received.

On motion, Council adjourned.

AFTERNOON SESSION.

Council met,

President absent.

A quorum present.

On motion of Mr Steck, Mr Graham was called to the chair.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
October 14, 1861. }

Hon. President of the Council:—

I am instructed by the House to inform the Council, that

H B No. 22, a bill for "An act regulating the mode of proceedings in attachments in the District Courts," and

H B No. 85, a bill for "An act to incorporate the St. Vrain bridge company," have passed the House, and the concurrence of the Council is respectfully requested.

Also, that the House unanimously insists upon their amendment to

C B No. 5, a bill for "An act concerning fraudulent conveyances and contracts, relative to real and personal property.

F. H. PAGE, Chief Clerk.

On motion, Council went into committee of the Whole, and resumed consideration of

H B No. 41, a bill for "An act concerning criminal jurisprudence"

Mr Graham in the chair.

Committee rose and, through their chairman, made the following report:

The committee of the Whole have considered

H B No. 41, and recommend its passage, amended as follows:

By filling the blank in section 25, with the word "ten."

By striking out, in section 56, the words "less than one year, and not."

By striking out, in section 60, the word "ten" before the word "years," and inserting the word "twenty" in its place.

By striking out, in section 90, the words "confinement in the penitentiary," and inserting the words "by imprisonment, for a longer term than one year," instead.

By striking out, in section 91, in fifth line, the word "prisoner," and inserting the word "person."

By striking out, in section 109, the word "confinement," and inserting the word "imprisonment."

By striking out, in section 120, first line, the words "all any."

By striking out, in section 122, fourteenth line, the word, "confinement," and inserting the word "imprisonment."

By inserting, in section 133, in seventeenth line, after the word "said," the word "person or persons."

By inserting, in section 134, in fifth line, the word "any" between the words "and" and "witness."

By striking out, in section 140, in fourth line, the word "twenty," and inserting the word "ten;" also, in eighth line, by striking out the word "ten," and inserting the word "four;" also, in eleventh line, by striking out the word "six," and inserting the word "two."

By striking out, in section 144, in third line, the word "chapter," and inserting the word "act;" also, by striking out the last three lines, reading as follows: "Juries, in all criminal cases, shall be judges of the law and the fact."

By striking out section 149.

By striking out, in section 150, the words "and on recognizance, taken in pursuance of the preceding section."

By inserting, in section 153, in eighth line, the word "bill," before the word "shall."

By striking out, in section 159, all between the word "death" in thirty-fourth line, and the word "all," at the end of the forty-seventh line.

By striking out, in section 164, in twelfth line, the words "be aiding and assisting," and inserting the words, "shall aid and assist."

By striking out, in section 182, the word "chapter," and inserting the word "act;" also, by striking out, in third line, all after the word "named;" and,

By striking out, in section 187, the word "chapter," and inserting the word "act."

H. J. GRAHAM, Chairman.

Report received, and adopted.

On motion Council adjourned.

COUNCIL CHAMBER, }
 Tuesday, Oct. 15, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

A quorum present.

Absent—Messrs. Francisco, Robbins, Steck and Willis.

The committee on Enrolled and Engrossed Bills, respectfully report that they have examined

C. B. No. 6, a bill for "An act to organize the militia," and find the same correctly enrolled.

Also, that they have examined

C B No. 21, a bill for "An act concerning forcible entries and unlawful detainers," and find the same correctly engrossed.

C. W. MATHER, Chairman.

Report received.

The committee, to whom was referred C B No. 32, a bill for "A general act to incorporate wagon road companies," ask leave to report a substitute for the bill and recommend that the substitute do pass.

H. J. GRAHAM, Chairman.

On motion, Council adjourned.

AFTERNOON SESSION.

Council met pursuant to adjournment.

President in the chair.

A quorum present.

Mr Parker introduced

C C No. 33, a bill for "A General Rail Road Law."

Read first time.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
 October 15th, 1861. }

Hon. President of the Council:

I am instructed to inform the Council that

H B No 86, a bill for "An act to provide for the expenses of the Territory of Colorado," and

H B No 88, a bill for "An act providing for the collection of the Revenue." Also,

H B No 96, a bill for "An act to authorize the appointment of

Commissioner of Deeds," has passed the House, and the concurrence of the Council is respectfully requested.

F. H. PAGE, Chief Clerk.

H B No 22, a bill for "An act regulating the mode of proceedings in attachments in the District Courts."

Read first time.

H B No 96, a bill for "An act to authorize the appointment of Commissioners of Deeds."

Read first time.

H B No 86, a bill for "Act to provide for the expenses of the Territory of Colorado."

Read first time.

H B No 28, a bill for "An act providing for the collection of the Revenue."

Read first time.

C B No 21, a bill for "An act concerning forcible entries and unlawful detainers,"

Read a third time.

Passed. Title agreed to.

The committee on Judiciary respectfully report

H B No 77, a bill for "An act concerning Venue." And H B No 76, a bill for "An act concerning amendments and jeofails, with a recommendation that they pass. Also,

H B No 73, a bill for "An act concerning costs." Also, H B No 16, a bill for "An act relative to Notaries Public." Also H B No 74, a bill for "An act concerning Attorneys and Counselors at Law, with the recommendation that they be referred to the committee of the Whole.

AMOS STECK, Chairman.

Report received.

On motion of Mr Steck, rules were suspended, and

H B No 77, a bill for "An act concerning Venue," was

Read third time.

Passed. Title agreed to.

Also, H B No 76, a bill for "An act concerning amendments and jeofails."

Read third time.

Passed. Title agreed to.

On motion of Mr Steck, Council went into committee of the Whole, on the general file. Mr Parker in the chair.

Committee rose and made the following report:

The committee has considered H B No 16, a bill for "An act relative to Notaries Public," and report the same back, and recommend its passage. Also have considered H B No 73, a bill for "An act concerning costs," and amended the same by inserting in section two, in eighth line, the word in; by striking out in section 6, the word avowery, and by striking out in section ten, third line the word every, and inserting in its place the word any.

They have also considered

H B No 74. a bill for "An act concerning Attorneys and Coun-

celors at law," and amended the same by striking out in section 5, the word Act, and inserting the word chapter; by striking out in second and fifth line of section 9, the words County Commissioners, also by striking out in tenth line the words, or court of the county, and inserting the word or, between the words court and District Courts; also by striking out in section twelve the word chapter, and inserting the word act in its place, and recommend the passage of the bills as amended.

H. F. PARKER, Chairman.

Report received.

H B No 16, a bill for "An act relative to Notaries Public."

Read third time.

Passed. Title agreed to.

H B No 73, a bill for "An act concerning costs."

Read third time.

Passed. Title agreed to.

Question recurring on adopting the amendments made by committee on Judiciary to H B No 74, by adding sections sixteen and seventeen.

Mr Parker moved that section seventeen be laid upon the table.

Ayes and nays demanded.

Ayes—Messrs. Francisco, Parker and Willis—3.

Nays—Messrs. Graham, Steck and Mr President—3. Lost.

Bill, as amended, was read third time.

Passed. Title agreed to.

On motion, Council adjourned.

COUNCIL CHAMBER, }

Wednesday, Oct. 16, 1861. }

Council met pursuant to adjournment.

President in the chair.

Absent—none.

Prayer by the Chaplain.

Journal read and approved.

Mr Mather presented petition of L. A. Waite and others, asking for the confirmation of the records and decisions of the courts made outside of a Territorial organization.

On motion, referred to committee on Judiciary.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, }

October 16, 1861. }

Hon. President of the Council:

I am instructed by the House to inform the Council that

H B No. 36, a bill for "An act concerning imprisonment for debt." Also,

H B No. 43, a bill for "An act to provide for recording contracts relative to lands, and for other purposes." Also,

J R No. 3, joint resolution "Requesting Congress to amend the Organic Act." And

J R No. 4, joint resolution "Relative to a Territorial Seal."

Have passed the House.

I also return to your honorable body,

C B No. 18, a bill for "An act concerning Descents and Distributions," amended by adding sections ten, eleven, twelve, thirteen, And respectfully ask the concurrence of the Council therein.

F. H. PAGE, Chief Clerk.

Notice of bill, by Mr Parker:

A bill for "An act for a wagon road from Central City, by the way of Empire City, thence over the Range, by way of the Middle Park, to Salt Lake."

On leave, Mr Robbins introduced C B No. 34,

A bill for "An act in relation to Clerks of District and Supreme Courts taking acknowledgments of deeds in the Territory of Colorado."

Read first time.

On motion, rules were suspended,

Bill read second time, and

Referred to committee on Judiciary.

J R No. 3, joint resolution "To request Congress to amend the Organic Act,"

Read first time, and,

On motion, rules were suspended.

Resolution read second time, and

Referred to committee on Federal Relations.

J R No. 4, "Joint resolution relative to a Territorial Seal,"

Read first time.

H B No. 36, a bill for "An act concerning imprisonment for debt,"

Read first time.

H B No. 43, a bill for "An act to provide for recording contracts relating to lands, and for other purposes."

Read first time.

H B No. 96, a bill for "An act to authorize the appointment of Commissioners of Deeds."

Read second time, and

Referred to committee on Judiciary.

H B No. 22, a bill for "An act regulating the mode of proceedings in attachments in the District Courts,"

Read second time, and

Referred to committee on Judiciary.

H B No. 86, a bill for "An act to provide for the expenses of the Territory of Colorado,"

Read second time, and, on motion,

Referred to committee on Ways and Means.

H B No. 88, a bill for "An act providing for the collection of the revenue,"

Read second time, and, on motion,
Referred to committee on Ways and Means.

C B No 33, a bill for "A general railroad law,"

Read second time, and, on motion,

Referred to committee on Highways and Bridges.

On motion of Mr Parker, the report of the House committee on Territorial Affairs, relative to a Territorial Seal, was ordered to be returned to the House.

On motion, H B No. 41, a bill for "An act concerning criminal jurisprudence," was taken up.

Mr Mather moved to amend the sixtieth section by striking out the words "or by death."

Ayes and Nays demanded:

Ayes—Messrs Graham, Mather, Steck and Mr President—4.

Nays—Messrs Francisco, Parker, Robbins and Willis—4. Lost.

On motion of Mr Steck, the bill was

Amended by adding section seventy-one in division seven.

Bill read third time.

Ayes and nays demanded on its passage.

Ayes—Messrs Francisco, Graham, Parker, Robbins, Steck, Willis and Mr President—7.

Nays—Mr Mather—1.

Passed.

Title agreed to.

On motion, Council adjourned.

AFTERNOON SESSION.

Council met.

President in the chair.

A quorum present.

On motion of Mr. Robbins, a call of the Council was ordered.

On motion of Mr. Graham, further proceedings under the call were dispensed with.

On motion of Mr. Graham,

Council went into committee of the whole, on the General File.

Mr. Robbins in the chair.

Committee rose and made the following report.

The committee of the whole have considered,

H B No. 45, a bill for "An act concerning Warrants of Cities and Towns," and struck out in section 4, the words "to be recovered by indictment" and recommend its passage as amended. Also,

Have considered,

C B No. 32, a bill for "A general act to Incorporate Wagon Road Companies," and struck out section 6, and recommend its passage as amended.

S. M. ROBBINS, Chairman.

Report received.

On motion,

Council concurred in amendments of committee of the whole to H B No. 45, a bill for "An act concerning Warrants of Cities and Towns."

Bill read third time.

Passed.

Title agreed to.

On motion,

Council adjourned.

COUNCIL CHAMBER, }
Thursday, October 17th, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

A quorum present.

Journal read and approved.

The committee to whom was referred, H B No. 65, a bill for "An act to provide for contested elections," report the bill back amended to-wit: by striking out in section 6, the words "cognizance to that amount," and inserting the word "Jurisdiction," also by striking out section 7, and recommend the passage of the Bill as amended.

H. F. PARKER, Chairman.

The committee on Federal Relations, to whom was referred, Joint Resolution No. 3; "to request Congress to amend the Organic Act," report the same back without amendment, and recommend its passage.

H. J. GRAHAM, Chairman.

The committee on Enrolled and Engrossed Bills, report that they have examined C B No. 32, "A General Act to Incorporate Wagon Road Companies," and find the same correctly engrossed.

CHARLES W. MATHER, Chairman.

On motion, rules were suspended, and Mr Willis introduced, C B No. 35, a bill for "An act concerning Marks and Brands for Animals."

Read first time.

On motion, rules were suspended.

Bill was read second time, and referred to committee on Agriculture.

H B No. 36, a bill for "An act concerning imprisonment for debt."

Read second time,

And referred to committee on Judiciary.

H B No. 43, a bill for "An act to provide for recording contracts relative to lands, and for other purposes."

Bill read second time,

And referred to committee on Judiciary.

C B No. 32, a bill for "A General Act to Incorporate Wagon Road Companies."

Read third time.

Passed.

Title agreed to.

C B No. 18, a bill for "An act concerning Descents and Distributions," returned amended from the House, was, on motion referred to committee on Judiciary.

C B No. 5, a bill for "An act concerning fraudulent conveyances relative to real and Personal Property," returned from the House, was taken up, and on motion of Mr. Steck, laid over.

On motion, rules were suspended and

Mr. Graham introduced.

C. B. No. 36, a bill for "An act for the protection of Trout fish."

Read first time.

Upon the question, shall the rules be suspended, and Bill be read second time.

Ayes and Nays were demanded,

Ayes—Messrs Colby, Francisco, Graham, Mather, Parker, and Mr. President—6.

Nays—Messrs Robbins, Steck and Willis—3.

Carried.

Bill was read second time,

And referred to committee on counties.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES,

October 17th, 1861. }

Honorable President of the Council:

I am instructed to inform the Council that

C B No 25, a bill for "An act to define county boundaries, and to locate county seats, in Colorado Territory," has passed the House with the following amendments, to-wit:

"That the word Costilla be changed, wherever it occurs, to San Miguel De la Costilla.

That the name of the county seat, San Miguel de la Costilla, in section three be changed to En la Plaza de Abaho.

By inserting in the fourth line from the bottom of the written bill between the words thence and down, the following: thence in a westerly direction along the Sierra a la Plata to the western boundary of the Territory; thence south to southwest corner of the Territory; thence east to the place of beginning, to take the place of sections relating to San Miguel de la Costilla and Guadalupe—San Miguel de la Costilla county.

Striking out section eight and inserting the following:

Pueblo county—commencing at a point where the township line between townships seventeen and eighteen south intersects the western boundary of the Indian Reserve; thence west on said line to where said line intersects the center of range sixty-nine; thence south on the center of said range to the township between town-

ships twenty-two and twenty-three south; thence east on said township line to a point where said township line intersects the range line between ranges sixty-two and sixty-three; thence north on said line six miles, to where said line intersects the township line between townships twenty-one and twenty-two south; thence east on said township line to the western boundary of the Indian Reserve; thence north to the place of beginning.

Also, amending section ten as follows:

Inserting after the word ranges, at the end of fourth line from the bottom of the written report, of Fremont county, the words sixty-nine and seventy: thence north to a point where said range line intersects township line between townships twenty-two and twenty-three south: thence east three miles to the center of the range sixty-nine; thence north to a point where said line intersects the township line between townships seventeen and eighteen south; thence east three miles on said line to where said line intersects the line between ranges sixty-eight and sixty-nine; thence twelve miles to the place of beginning.

Also, striking out the name Oakes Mill, as county seat for Douglas county, and inserting in lieu thereof the name Frankstown.

Also, by changing the southern boundary of Larimer county to make it conform to the northern boundary of Boulder county.

Also, that the section attaching Larimer county to the county of Boulder for Judicial purposes be stricken out.

Also, changing the name of Laporte to Larimer in the last line of section twenty-one.

Also, that Idaho be stricken out as the county seat of South Clear Creek county, and insert in lieu thereof, Empire City.

Also, striking out sections thirty, thirty-two and thirty-three, and insert in lieu of section thirty, the following:

Park County—commencing at a point where the second correction line south intersects the Platte River; thence south to the third correction line south; thence west to the summit of the Snowy Range, east of the Arkansas River; thence in a northerly direction along the divide between the Arkansas and Platte Rivers, and around the head waters of the Platte and branches; thence easterly along the Snowy Range, dividing the waters of the Blue and the waters of the Platte Rivers to the point of intersection with the first correction line south; thence east on said correction line to the western boundary of Jefferson county; thence south on said boundary to the Platte River; thence up the center of said river to the place of beginning.

Also, striking out section thirty-seven, and inserting in lieu thereof, the following:

The county seat of Summit county is hereby temporarily located at Parksville.

Also, striking out all the last clause in each section, temporarily locating the county seats, after the name of the town, and introduce the following additional section:

It is further provided, that the people may locate permanently the

county seat in any part of the county, by a vote of a majority of the legal voters in each county, according to law.

And striking out the word full, in the last section, and request the concurrence of the Council therein.

Also, that the House has refused to concur in the amendments made by the Council to H B No 50, a bill for "An act to prevent and punish resistance to officers," and to H B No 66, a bill for "An act to create a lien in favor of Ranchmen and others."

F. H. PAGE, Chief Clerk.

On motion, Council adjourned.

AFTERNOON SESSION.

Council met.

President in the chair.

A quorum present.

C B No. 25, a bill for "An act to define county boundaries and to locate county seats in Colorado Territory," returned, amended, from the House, was taken up.

Council refused to concur in House amendments to sections 2, 3, 4 and 5.

Council concurred in House amendments to sections 8 and 10.

Ayes and nays demanded on concurrence in amendment to section 15.

Ayes—Messrs. Graham, Mather, Parker, Robbins, Steck and Mr. President.

Nays—Messrs. Francisco and Willis—2. Carried.

Council concurred in amendment to section 20.

Council refused to concur in amendment to section 21.

On motion, the word "La Porte," in last line of section 21, was stricken out, and the word "Larimer" inserted in its place.

Mr. Steck moved to reconsider the vote on adopting section 21. Carried.

Ayes and nays demanded on the motion to concur in the amendment to section 21.

Ayes—Messrs. Graham and Mather—2.

Nays—Messrs. Parker, Robbins, Steck, Willis and Mr President—5. Lost.

Council concurred in amendment to section 27.

Mr. Robbins moved that the Council concur in amendment striking out sections 30, 32 and 33.

Ayes and nays demanded.

Ayes—none.

Nays—Messrs. Colby, Francisco, Graham, Mather, Parker, Robbins, Steck and Mr President—8. Lost.

Mr. Robbins moved to amend the House amendment to section 37, by striking out the word "Parksville," and inserting in its place the word "Breckinridge." Carried.

Mr. Graham moved that the Council concur in section 39, inserted by the House, striking out all after the name of the town, in sections temporarily locating county seats, and inserting the following section, to-wit:

“It is further provided, that the people may permanently locate the county seat in any part of the county, by vote of the majority of the legal voters in each county, according to law.”

Carried.

Council concurred in House amendment striking out the word “full,” in last section.

Mr. Colby moved to reconsider the vote adopting amendment to section 27. Carried.

Mr. Colby moved to amend House amendment to section 27, by striking out the word “Idaho,” and inserting, in lieu thereof, the words “at the head of Spanish Bar, at the junction of South Clear Creek and Fall River.”

Ayes and nays demanded.

Ayes—Messrs. Colby, Francisco, Graham, Parker, Steck, Willis and Mr. President—7.

Nays—Messrs. Mather and Robbins—2. Carried.

The committee on Judiciary respectfully report

H B No. 72, a bill for “An act concerning evidence and depositions,” with the recommendation that it pass, with the exception of section 4, which requires an amendment to make it intelligible; also,

H B No. 96, a bill for “An act to authorize the appointment of Commissioners of Deeds,” without amendment; also,

C B No. 18, a bill for “An act concerning Descents and Distributions,” recommending concurrence in the amendments of the House; also,

H B No. 69, a bill for “An act concerning Justices of the Peace and Constables,” with the recommendation that the bill be referred to the committee of the Whole.

AMOS STECK, Chairman.

Report received.

On motion Council adjourned.

COUNCIL CHAMBER, }
Thursday, Oct. 18, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Absent—Mr. Willis.

Journal read and approved.

The committee to whom was referred

H B No. 86, a bill for "An act to provide for the expenses of the Territory of Colorado," report the same back, and recommend its passage.

H. F. PARKER, Chairman.

Report received.

Message from the House of Representatives.

HOUSE OF REPRESENTATIVES, }
October 18, 1861. }

Hon. President of the Council:—

I am instructed by the House to inform the Council, that the House has passed

H B No. 108, a bill for "An act regulating elections," and respectfully request your concurrence therein; also, that the House concurs with Council amendments to

H B No. 41, except as to amendments in section 140, and except as to amendment striking out after the word "named," in section 182; and as to those amendments, does not concur.

F. H. PAGE Chief Clerk.

H B No. 108, a bill for "An act regulating elections."

Read first time, and,

On motion, rules were suspended.

Bill read second time, and

Referred to committee on Elections.

On motion, Council went into committee of the Whole, on the General File.

Mr. Mather in the chair.

Committee rose and made the following report:

The committee of the Whole, having had under consideration

H B No. 69, a bill for "An act concerning Justices of the Peace and Constables," report the same back, and ask leave to sit again.

C. W. MATHER, Chairman.

Report received.

On motion, Council adjourned.

AFTERNOON SESSION.

Council met.

President in the chair.

A quorum present.

The committee, to whom was referred

C B No. 33, a bill for "An act for a general railroad law," report the same back to the Council and recommend its passage.

H. J. GRAHAM, Chairman.

Report received.

On motion, Council went into committee of the Whole, on the General File.

Mr. Mather in the chair.

Committee rose and, through their chairman, made the following report:

The committee of the Whole have considered

H B No. 69, a bill for "An act concerning Justices of the Peace and Constables," and report the following amendments, and recommend its passage, as amended, to-wit:

Striking out, in section 6, the words "and in cases of distress, for rent upon landlords' warrants."

Also, in section 11, striking out the word "twenty," and inserting the words "one hundred."

Also, in section 18, striking out the words "and twenty dollars respectively."

Also, in section 51, inserting, in fourth line, the word "thirty," in the place of the word "seventy;" also, insert, in third line from bottom, the word "thirty" for "seventy."

Also, in section 61, inserting the word "act," in the place of the word "chapter."

Also, in section 80, striking out the words "which may be recovered before any Justice of the county, in the name of the party injured."

Also, striking out, in section 85, all after the word "warrant," and inserting the words "for the apprehension of the defendant, and the defendant may release his body, by entering into a bond, with one or more sufficient sureties, to be approved by the Justice, conditioned to pay any judgment which may be recovered against him."

Also, filling the blank, in section 89, with the words "one thousand dollars."

Also, filling the blank, in second line of section 102, with the word "one;" also, have considered

H B No. 96, a bill for "An act to authorize the appointment of Commissioners of Deeds;" also,

H B No. 86, a bill for "An act to provide for the expenses of the Territory of Colorado;" also,

H B No. 65, a bill for "An act to provide for contested elections;" and,

C B No. 18, a bill for "An act concerning Descents and Distributions," and report the same back, without amendment, and recommend their passage.

Report adopted.

On motion of Mr. Steck,

H B No. 50, a bill for "An act to prevent and punish resistance to officers," was taken up.

Mr. Robbins moved that Council adhere to its amendments.

Carried.

H B No. 66, a bill for "An act to create a lien in favor of ranchmen and others," was taken up.

Mr. Robbins moved that the Council adhere to its amendments.

Carried.

On motion, Council adjourned until Monday, the 21st inst., at ten o'clock, A. M.

COUNCIL CHAMBER, }
Monday, October 21, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

A quorum present.

Absent—Mr Colby.

Journal read and approved.

Message from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY, }
Denver, October 18th, 1861. }

To the President of the Council:

SIR.—I have approved and signed an act entitled "An act to organize the militia."

Very respectfully,

WILLIAM GILPIN,
Governor of Colorado Territory.

The committee to whom was referred H B No. 39, a bill for "An act concerning lost goods and estrays," have had the same under consideration, and report the same back with the following amendments, to-wit:

By striking out, in section nine, the word "civil."

By striking out, in section fifteen, the words "Clerk and or."

By striking out the whole of section sixteen.

By striking out, in section eighteen, the words "one dollar," and inserting in their place the words "the legal rates therefor," and

By changing section twenty-four so as to read, "on indictment may be imprisoned for not more than one year."

J. M. FRANCISCO, Chairman.

Report received.

The committee on Counties, to whom was referred H B No. 71, a bill for "An act to establish the office of County Attorney, and to define his duties," have had the same under consideration, and have

instructed me to report the same back amended, and recommend its passage.

R. B. WILLIS, Chairman.

Report received.

The committee on Judiciary, to whom was referred C B No. 31, a bill for "An act concerning grand and petit juries," report the same back, and recommend its passage.

AMOS STECK, Chairman.

Report received.

The committee on Agriculture, to whom was referred C B No. 35, a bill for "An act concerning marks and brands for animals," report the same back and recommend its passage.

H. J. GRAHAM, Chairman.

Report received.

The committee to whom was referred Joint Memorial No. 1, "Joint Memorial relative to school lands," report the same back without recommendation.

H. J. GRAHAM, Chairman.

Report received.

Notice of bill,

By Mr Francisco:

A bill for "An act to prevent non-residents from importing stock into the Territory of Colorado, for grazing purposes."

H B No. 86, a bill for "An act to provide for the expenses of the Territory of Colorado,"

Read third time.

Passed.

Title agreed to.

H B No. 96, a bill for "An act to authorize the appointment of Commissioners of Deeds,"

Read third time.

Passed.

Title agreed to.

C B No. 18, a bill for "An act concerning descents and distributions," was

Taken up, and,

On motion,

Amendments of the House concurred in.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
October 21, 1861. }

Hon. President of the Council:—

I am instructed to inform the Council that the House has passed H B No. 56, a bill for "An act to protect and regulate the irrigation of lands." Also,

H B No. 87, a bill for "An act to organize and establish the Treasury Department." Also,

J M No. 2, "Joint memorial for the establishment of a branch mint of the United States, at Denver." Also,

J R No. 5, "Joint resolution relative to the Executive department,"

And the concurrence of the Council is respectfully requested.

I also return to your honorable body,

C B No. 20, a bill for "An act concerning actions by persons holding land except as against the United States," which has passed the House, with the following amendments, to-wit:

By inserting, in section four, after the word "enclose," the words "at least twenty-five acres." Also,

By inserting in section five, in the proviso, after the word claimant, the words "and they."

I also return to your honorable body:

C B No. 25, a bill for "An act to define county boundaries, and to locate county seats in Colorado Territory,"

And state that the House insists on its amendments, and asks for a committee of conference from the Council, to meet a like committee on the part of the House, the Speaker having appointed as such committee, Messrs Witter, Rankin and Barela.

F. H. PAGE, Chief Clerk.

On motion,

CB No. 5, a bill for "An act concerning Fraudulent Conveyances, and contracts relative to Real and Personal Property,"

Was taken up.

Ayes and nays demanded.

Upon the question shall the Council recede from its refusal to concur in House amendments.

Ayes—Messrs Mather, Parker, Steck, Willis, and Mr President—5.

Nays—Messrs Colby, Francisco, Graham and Robbins—4.

Carried.

Council receded.

HB No. 41, a bill for "An act concerning criminal Jurisprudence,"

Was taken up.

On the question, shall the Council recede from its amendments to section 140.

Ayes and nays demanded.

Ayes—Messrs Mather, Parker, Robbins—3.

Nays—Messrs Colby, Francisco, Graham, Steck, Willis and Mr President—6.

Lost.

On the question, shall the Council recede from its amendments to section 182.

Ayes and nays were demanded.

Aye—Mr. Steck—1.

Nays—Messrs Colby, Francisco, Graham, Mather, Parker, Robbins, Willis and Mr. President—8.

Lost.

H. B. No. 65, a bill for "An act to provide for contested elections."

Was taken up, and on motion, amendments of the committee of the whole were adopted.

Bill was read third time.

Passed.

Title agreed to.

H. B. No. 69, a bill for "An act concerning Justices of the Peace and Constables,"

Was taken up.

On the question, shall the Council adopt the amendment of the committee of the whole to section 89.

Mr. Parker moved to amend the amendment by inserting the words "Three hundred" in place of the words "One thousand."

Mr. Robbins moved to amend by substituting the words "Five hundred, in place of the words "Three hundred."

Amendment of Mr Robbins adopted.

On motion, the amendments of the committee of the whole, as amended, were adopted.

Bill was read third time,

Passed.

Title agreed to.

H B No. 56, a bill for "An act to protect and regulate the Irrigation of Lands."

Read first time.

On motion, rules were suspended.

Bill was read second time,

And referred to committee on Agriculture.

H B No. 87, a bill for "An act to authorize and establish the Treasury Department."

Read first time.

On motion, rules were suspended,

Bill was read second time, and referred to a special committee consisting of Messrs Colby, Francisco and Robbins.

On motion Council adjourned.

AFTERNOON SESSION:

Council met.

President in the chair.

A quorum present.

C. B. No. 20, a bill for "An act concerning Actions by persons holding lands, except as against the United States."

Was taken up.

Mr. Graham moved to concur in House amendment to section 4, inserting the words "at least 25 acres" after the word "enclosed."

Lost.

Mr Steck moved that Messrs Arnold, Robbins and Francisco, be appointed a committee of conference on the part of the Council to confer with a similar committee on the part of the House, on C B No. 25, a bill for "An act to define county boundaries, and to locate county seats in Colorado Territory."

Carried.

Substitute for Joint Memorial No. 2, "Joint Memorial for the Establishment of a Branch Mint of the U. S. at Denver."

Read first time.

On motion, rules were suspended.

Memorial read second time, and referred to committee on Federal Relations. Joint Resolution No. 5, "Joint Resolution on the Executive Department. Read first time.

On motion, rules were suspended.

Resolution read second time, Mr. Willis moved to lay it on the table.

Ayes and nays demanded.

Ayes—Messrs. Francisco, Graham, and Willis—3.

Nays—Messrs Colby, Mather, Parker, Robbins, Steck and Mr President—6. Lost.

Mr. Colby moved that further consideration be postponed, pending which, Mr. Mather moved that the resolution be made the special order for Tuesday afternoon.

Ayes and nays demanded on the motion of Mr. Mather.

Ayes—Messrs Colby, Francisco, Graham, Mather, Parker, Willis and Mr. President—7.

Nays—Messrs Robbins and Steck—2. Carried.

On motion Council adjourned.

COUNCIL CHAMBER, }
Tuesday October 22, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

A quorum present.

Absent—Mr. Robbins.

Journal read and approved.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
October 22, 1861. }

Hon. President of the Council:

I am instructed to inform the Council that the House has adopted the report of the committee of conference on H B No 25, and have accordingly made the following disposition of the amendments appending to the bill, to-wit:

The House recedes from its amendment to sections two, four and five. The House concurs in the amendment made by the Council to the amendment to section twenty-seven, and amends the amendment by the insertion of the words "Mill City," and the concurrence of the Council is respectfully requested.

F. H. PAGE, Chief Clerk.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
October 22, 1861. }

Hon. President of the Council:

I am directed by the House to inform the Council that
H B No 116, a bill for "An act to provide for the appointment of three commissioners in each county in this Territory."

Also—J. M. No 4, "Joint Memorial relative to a Mail Route along the South Platte River," have passed the House, and the concurrence of the Council is respectfully requested.

F. H. PAGE, Chief Clerk.

Notice of Bills.

By Mr Colby.

A bill for "An act to Incorporate the Colorado and New Mexico Joint Stock, Gold, Silver and Copper Mining Company."

Also—A bill for "An act to Incorporate the Bank of Colorado."

Mr Francisco introduced

C B No 37, a bill for "An act to prevent the importation of stock into the Territory of Colorado for grazing purposes."

Read first time.

On motion rules were suspended.

Bill read second time and referred to committee on Agriculture.

Joint Memorial No 4, "Joint Memorial relative to a Mail route along the South Platte River," was

Read first time.

H B No 116, a bill for "An act to provide for the appointment of three commissioners in each county in this Territory."

Read first time.

The committee on Judiciary, report

H B No 75, a bill for "An act concerning Judgments and Executions," with amendments, and recommend that the bill be referred to committee of the Whole. Also,

H B No 22, a bill for "An act regulating the mode of proceedings in attachments in the District Courts," with the like recommendation,

AMOS STECK, Chairman.

The committee on Conference on

C. B No 25, a bill for "An act to define county boundaries and to locate county seats, in Colorado Territory," have had under consideration the amendments to the bill, and have agreed to the following disposition of them, to-wit:

The House agrees to recede from its amendments to sections two and four, uniting the counties of Costilla and Guadalupe.

The Council agrees to concur, in the amendments to section three, and amend the amendment as follows: To strike out the words "En la Plaza de Abajo," and insert the words "San Miguel," to which the House shall agree.

The House agrees to recede from its amendment to section five.

The Council agrees to concur in the amendment to section twenty-one. Also, in the amendment to sections thirty, thirty-one, thirty-two, thirty-three and thirty-seven.

The House agrees to concur in Council amendment to the amendment to section twenty-seven, and to amend the amendment by the insertion of the words "Mill City," and the Council agrees to concur in the last House amendment.

E. A. ARNOLD,
S. M. ROBBINS,
J. M. FRANCISCO.

Mr Parker moved that the report of the committee of conference on C B No. 25, be received, and committee discharged. Carried.

On motion, report was adopted by sections, as follows:

Amendment to section 3; striking out the words "En la Plaza de Abajo," and inserting "San Miguel."

And amendments to sections twenty-one, thirty, thirty-one, thirty-two and thirty-three, were adopted.

Ayes and nays demanded on adopting amendment to section twenty-seven, striking out the words "Mill City," and inserting, instead, the word "Idaho."

Ayes—Messrs Colby, Graham, Mather, Robbins, Steck, Willis and Mr President—7.

Nays—Messrs Francisco and Parker—2. Carried.

Ayes and nays demanded on adopting amendment to section thirty-seven, locating the county-seat at Parksville.

Ayes—Messrs Colby, Francisco, Graham, Mather, Parker, Willis and Mr President—7.

Nays—Messrs Robbins and Steck—2. Carried.

On motion, Council went into committee of the Whole on the general file.

Mr Willis in the chair.

Committee rose, reported progress, and asked leave to sit again.

Report received.

On motion Council adjourned.

AFTERNOON SESSION.

Council met.

President in the chair.

A quorum present.

The select committee to whom was referred

H B No. 87, a bill for "An act to organize and establish the Treasury Department,"

Have had the same under consideration, and report the same back to the Council with the following amendments, to-wit:

Striking out the words "until the first general Territorial election," in section first, and amending section second, in article sixth, so as to read as follows: "The Auditor and Treasurer of this Territory shall receive a salary of two thousand dollars per annum, each, which shall be paid quarterly out of the Territorial Treasury."

"The Auditor shall be, and he is hereby required to perform the duties of Register of Lands."

Your committee respectfully recommend the consideration of the same by the committee of the Whole.

A. U. COLBY, Chairman.

JR No. 5, "Joint resolution relative to the Executive Department," Was taken up.

Mr Mather moved that the resolution be adopted; pending which, On motion of Mr Colby,

A call of the Council was ordered.

On motion of Mr Robbins,

Further proceedings under the call were dispensed with.

Mr Willis moved that the resolution be referred to a select committee, with instructions that they offer a substitute.

Mr Colby moved to lay the motion on the table.

Ayes and nays demanded.

Ayes—Messrs Colby, Mather and Parker—3.

Nays—Messrs Francisco, Graham, Robbins, Steck, Willis and Mr President—6. Lost.

Question recurring on adopting the motion of Mr Willis,

Ayes and nays demanded.

Ayes—Messrs Francisco, Graham, Robbins, Willis and Mr President—5.

Nays—Messrs Colby, Mather, Parker and Steck—4. Carried.

Mr Robbins moved that the Council adjourn. Lost.

Mr Willis moved that Messrs. Steck, Robbins, and Mr President be appointed committee on Joint Resolution No 5. Carried.

Mr Graham moved an adjournment. Lost.

On motion, of Mr Steck, Council went into committee of the Whole on the general file.

Mr Steck in the chair.

Committee rose and made the following report:

The committee of the Whole having had under consideration H B No 72, a bill for "An act concerning evidence and depositions." Also,

H B No 22, a bill for "An act regulating the mode of proceeding in attachments in the District Courts." Also,

C B No 33, a bill for "A General Rail Road law." Also,

C B No 31, a bill for "An act concerning Grand and Petit Jurors," report the same back without amendment, and recommend their passage. Also, have considered

H B No 71, a bill for "An act to establish the office of County Attorney, and to define his duties," which they recommend to be

amended by striking out the word "four," in the fifth line of first section, and inserting the word "two," in its place. Also, have considered

C B No 35, a bill for "An act concerning marks and brands for Animals," which they recommend to be amended by striking out section five. Also, have considered

H B No 39, a bill for "An act concerning lost goods and estrays," which they amend by striking out, in section eighteen, the words "one dollar," and inserting in its place the words "the legal rates therefor." Also have considered

Joint Resolution No 3, "Joint Resolution requesting Congress to amend the Organic Act;" and

Joint Memorial No 1, "relative to school lands," and recommend that they be indefinitely postponed.

AMOS STECK, Chairman.

Report received and adopted.

On motion of Mr Willis, the following bills, considered in committee of the Whole, were put upon their final passage;

H B No 71, a bill for "An act to establish the office of County Attorney, and to define his duties,"

Read third time.

Passed as amended Title agreed to.

C B No 35, a bill for "An act concerning marks and brands for animals,"

Read third time.

Passed as amended. Title agreed to.

H B No 39, a bill for "An act concerning lost goods and estrays."

Read third time.

Passed as amended

Title agreed to.

Also—C B No 31 a bill for "An act to provide for Grand and Petit Jurors."

Read third time.

Passed. Title agreed to.

Also—C B No 33, a bill for "An act to provide for the incorporation of Railroad Companies."

Read third time.

Passed. Title agreed to.

Also—H B No 22, a bill for "An act regulating the mode of proceedings in attachments in the District Courts."

Read third time.

Passed. Title agreed to.

Also—H B No 72, a bill for "An act concerning evidence and depositions."

Read third time.

Passed.

Title agreed to.

On motion, Council adjourned.

COUNCIL CHAMBER, }
 Wednesday October 23, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.]

Absent—none.

Journal read and approved.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
 October 23, 1861. }

Honorable President of the Council:

I am instructed by the House to inform the Council that the House has passed

H B No 118, a bill for "An act to provide for stay of proceedings on foreign indebtedness," and respectfully request the concurrence of the Council therein. Also,

That the House insists upon disagreeing to the Council amendments to H B No. 50, a bill for "An act to prevent and punish resistance to officers."

F. H. PAGE, Chief Clerk.

The committee on elections to whom was referred H B No. 108, a bill for "An act to regulate elections," report the same back and recommend that the bill be referred to committee of the whole.

H. F. PARKER, Chairman.

Notice of Bills:

By Mr Robbins.

A bill for "An act to incorporate the Breckinridge, Buckskin Joe and Hamilton Wagon road Company."

By Mr Mather, a bill for "An act to incorporate the Denver Gas and Coke Company."

By Mr Steck, a bill for "An act to incorporate St. John's Church in Denver."

H B No. 118, a bill for "An act to provide for stay of proceedings on Foreign indebtedness."

Read first time.

Mr. Colby introduced C B No. 38, a bill for "An act to incorporate the Colorado and New Mexico joint stock, gold, silver and copper mining company."

Read first time.

J M No. 4, Joint Memorial "relative to a mail route along the South Platte River."

Read second time,

And referred to committee on Federal Relations.

J M No. 2, "Joint Memorial for the Establishment of a United States Mint at Denver."

Bill read second time,

And referred to committee on Federal Relations.

H B No. 116, a bill for "An act appointing three commissioners in each county in this Territory."

Read second time,

And referred to committee of the whole.

On motion,

J M No. 1, "Joint Memorial relative to school lands," and

J R No. 3, Joint Resolution "requesting Congress to amend the Organic Act," were indefinitely postponed

On motion of Mr. Arnold, Mr. Graham being in the chair.

J M No. 5, "Joint resolution on the Executive Department," was recalled from the special committee, and on motion of Mr. Mather, adopted. Mr. Steck moved to reconsider. Lost.

On motion, Council went into committee of the whole on H B No. 108, a bill for "An act regulating elections."

Mr. Graham in the chair.

Committee rose, and through their chairman reported progress, and asked leave to sit again.

Report received.

On motion,

Council adjourned.

AFTERNOON SESSION.

Council met.

President in the chair.

A quorum present.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES,

October 23rd, 1861. }

Honorable President of the Council:

I am instructed to inform the Council that H B No. 97, a bill for "An act creating lien in favor of mechanics in certain cases," also,

H B No. 34, a bill for "An act relating to the fees of officers, jurors and witnesses," also,

H B No. 107, a bill for "An act relating to counties and county officers," have passed the House, and the concurrence of your honorable body is respectfully requested, also that the House insists upon disagreeing to Council amendments to H B No. 66, a bill for "An act to create a lien in favor of Ranchmen and others," and adheres to its amendments to C B No. 20, a bill for "An act concerning actions by persons holding lands, except as against the U. S."

F. H. PAGE, Chief Clerk.

C B No. 20, a bill for "An act concerning actions by persons holding lands, except as against the United States," returned from the House, was taken up.

On motion, Council amended House amendment to section 4, by striking out the words "Twenty five," and inserting the words "Five" in its place.

On motion, Council insisted on its amendments to H B No. 66, a bill for "An act to create a lien in favor of Ranchmen and others."

On motion, Council went into committee of the whole on H B No. 108, a bill for "An act regulating Elections."

Mr Graham in the chair, committee rose, and through the chairman made the following report.

The committee of the whole have considered H B No. 108, and recommend that the bill be recommitted to committee on Elections with instructions to perfect the bill.

H. J. GRAHAM, Chairman.

Report received, and adopted,

H B No. 34, a bill for "An act regulating the fees of officers, jurors and witnesses,"

Read first time.

H B No. 97, a bill for "An act creating a lien in favor of mechanics in certain cases."

Read first time.

H B No. 107, a bill for "An act relating to counties and county officers."

Read first time.

On motion Council adjourned.

COUNCIL CHAMBER, }
Thursday, Oct. 24, 1861. }

Council met pursuant to adjournment.

President in the chair.

Absent—Messrs. Colby and Robbins.

Journal read and approved.

Mr Steck introduced

C B No. 39, a bill for "An act to incorporate St. John's Church, in Denver."

Read first time.

Mr Mather introduced

C B No. 40, a bill for "An act to incorporate the Denver gas light and coke company."

Read first time.

Mr Colby introduced

C B No. 41, a bill for "An act to incorporate the Bank of Colorado.

Read first time.

Mr Robbins introduced

C B No. 42, a bill for "An act to incorporate the Colorado and Pacific wagon, telegraph and railroad company."

Read first time.

C B No. 38, a bill for "An act to incorporate the Colorado and New Mexico joint stock gold, silver and copper mining company."

Read second time, and

Referred to committee on Incorporations.

H B No. 118, a bill for "An act to provide for stay of proceedings on foreign indebtedness."

Read second time, and

Referred to committee on Finance, Ways and Means.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
October 24, 1861. }

Hon. President of the Council:

I am instructed to inform the Council, that the House has passed H B No. 117, a bill for "An act to establish the common school system,," and your concurrence therein is respectfully requested.

F. H. PAGE, Chief Clerk.

H B No. 97, a bill for "An act creating a lien in favor of mechanics in certain cases."

Read second time, and

Referred to committee on Judiciary.

H B No. 107, a bill for "An act relating to counties and county officers."

Read second time, and

Referred to committee on Counties.

H B No. 34, a bill for "An act relating to the fees of officers, jurors and witnesses."

Read second time, and

Referred to committee on Judiciary.

H B No. 75, a bill for "An act concerning judgments and executions," was amended by filling the blank, in section 1, with the word "seven:"

Also, by filling blank, in section 4, with the word "ten:"

Also, by filling section 34. Bill, as amended,

Read third time.

Passed.

Title agreed to.

Council went into committee of the Whole on the General File.

Mr. Colby in the chair.

Committee rose and made the following report:

The committee of the Whole have had under consideration

H B No. 116, a bill for "An act to provide for the appointment of three commissioners in each county in this Territory," and report the same back to the Council, amended by adding an additional section. Also, have considered

H B No. 87, a bill for "An act to organize and establish the Treasury Department," and report the same back, with the following amendments, to-wit:

Amending section 1, article I, by striking out the words "until the first general Territorial election," and inserting instead, the words "for two years;" also, by striking out the words "or certificates of election," in last line of said section:

Also, amending article IV, section 1, by filling the blank with the words "on or before the first day of October:"

Also, amending article IV, section 5, by filling the blank with the words "first Monday in October:"

Also, amending article VI, section 2, so as to read as follows:

"The Auditor and Treasurer of this Territory shall receive a salary of two thousand dollars per annum each, which shall be paid quarterly, out of the Territorial Treasury; the Auditor shall be and is hereby required, to perform the duties of Register of Lands:"

Also, amending article I, by adding section 7, reading as follows:

"All books, maps, stationery, furniture, office rent, fuel and other necessities for the use of Auditor's and Treasurer's offices, shall be furnished at the expense of the Territory:"

And recommend the passage of the bills, as amended.

A. U. COLBY, Chairman.

Report received.

Mr. Robbins Introduced, C B No. 45, a bill for "An act to incorporate the Breckinridge, Buckskin Joe and Hamilton Wagon Road Company,"

Read first time.

On motion, rules were suspended and

Bill was read second time, and referred to committee on highways and Bridges.

Mr. Colby introduced C B No. 44, a bill for "An act to incorporate the Spanish Bar Wagon Road Company," read first time.

On motion, Council adjourned.

AFTERNOON SESSION:

Council met.

President in the chair.

A quorum present.

Mr Steck moved that the vote passing

H B No. 75, a bill for "An act concerning judgments and executions," be reconsidered. Carried.

On motion, the amendments made, in committee of the Whole, to H B No. 87, a bill for "An act to organize and establish the Treasury Department," were adopted.

Read third time.

Passed.

Title agreed to.

The committee on Incorporations to whom was referred C B No. 38, a bill for "An act to incorporate the Colorado and New Mexico

joint stock, gold, silver and copper mining company," report the same back to the Council, without amendment and recommend that it be considered in committee of the whole.

A. U. COLBY, Chairman.

Report received.

The committee on enrolled and engrossed bills report that they examined C B No. 18, a bill for "An act concerning descents and distributions," and find the same correctly enrolled.

C. W. MATHER, Chairman.

Report received.

On motion, Council went into committee of the whole on C B No. 38, a bill for "An act to incorporate the Colorado and New Mexico, joint stock, gold, silver, and copper mining company.

Mr. Mather in the chair.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
October 24, 1861. }

Hon. President of the Council:

I am instructed by the House to inform the Council, that the House concurs in the Council amendment to section 27, of C B No. 25, in striking out the words "Mill City," and inserting the words "Idahoe" in its place, also that the House has not been informed of any action taken by the Council in regard to House amendment, to section 21.

F. H. PAGE, Chief Clerk.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
October 24, 1861. }

Hon. President of the Council:

I am instructed to inform the Council, that H B No. 119, a bill for "An act concerning Jurors," also,

H B No. 120, a bill for "An act concerning Aliens," have passed the House, and the concurrence of the Council is respectfully requested.

F. H. PAGE, Chief Clerk.

The committee of the whole rose and made the following report:

The committee of the whole having had under consideration C B No. 38, report the same back to the Council, for favorable consideration.

C. W. MATHER, Chairman.

Report received.

Mr. Colby moved that

C B No. 15, a bill for "An act to incorporate the Silver Spring Mining Company," be taken from the table.

Carried.

On motion, Council adjourned.

COUNCIL CHAMBER,
Friday, October 25th, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

A quorum present.

Journal read and approved.

Absent—Mr. Robbins.

Message from the House of Representatives.

HOUSE OF REPRESENTATIVES, }
October 25, 1861. }

Hon. President of the Council:—

I am instructed by the House to inform your honorable body that H B No. 122, a bill for "An act concerning ejectments," and H B No. 125, a bill for "An act to establish a Territorial Library and Cabinet," have passed the House, and your concurrence therein is respectfully requested.

I also return to your Honorable body

C B No 12, a bill for "An act to regulate and establish the rates of Charges for publication of legal advertisements," amended in section two, line four, by striking out the word "affidavit," and inserting in lieu thereof, the word "certificate." Also,

C B No 14, a bill for "An act concerning conveyances of real estate,"

Amended by adding sections fifteen, sixteen, seventeen, eighteen and nineteen. Also,

C B No 22, a bill for "An act concerning bills of exchange and promissory Notes,"

Amended by striking out section eight, and respectfully request your concurrence therein.

I also return to the Council

C B No 21, a bill for "An act concerning forcible entries and unlawful detainers," the same having passed the House without amendment.

F. H. PAGE, Chief Clerk.

The committee to whom was referred

H. B No 88, a bill for "An act to provide for the expenses of the Territory of Colorado,"

Report the same back and recommend that it be referred to committee of the Whole.

Report adopted.

Mr Colby presented petition of B. F. Wickham and others praying that a charter be granted to the Spanish Bar Wagon Road Company."

The committee to whom was referred

II B No 47, a bill for "An act to Incorporate the City of Denver,"

report the same back with amendments, and recommend the bill, as amended, to the favorable action of the Council."

AMOS STECK, Chairman.

Report received.

Mr Colby introduced

C B No 46, a bill for "An act to protect the mining claims and property of soldiers."

Read first time.

On motion, rules were suspended.

Bill was read second time, and referred to committee on Military affairs.

On leave, Mr Graham introduced

C B No 45, a bill for "An act to protect the rights of married women."

Read first time.

H B No 117, a bill for "An act to establish the common school system."

Read first time.

On motion, rules were suspended,

Bill read second time and referred to committee on Education.

H B No 119, a bill for "An act concerning Jurors.,"

Read first time.

H B No 120, a bill for "An act concerning Aliens."

Read first time.

H B No 122, a bill for "An act concerning ejectment."

Read first time.

H B No 125, a bill for "An act to establish a Territorial Library and Cabinet.

Read first time.

C B No 40, a bill for "An act to incorporate the Denver Gas-light and Coke Company.

Read second time and referred to committee on Incorporations.

C B No 39, a bill for "An act to incorporate St. John's Church in Denver"

Read second time, and referred to committee on Incorporations.

C B No 41, a bill for "An act to Incorporate the Bank of Colorado."

Read second time and referred to committee on Incorporations.

C B No 42, a bill for "An act to incorporate the Colorado and Pacific, Wagon, Telegraph and Railroad Company."

Read second time and referred to committee on Highways and Bridges.

C B No 44, a bill for "An act to Incorporate the Spanish Bar Wagon Road Company.

Read second time and referred to committee on Highways and Bridges.

C B No 46, a bill for "An act to protect the mining claims and property of soldiers.

Read second time and referred to committee on Military Affairs.

H B No 116, a bill for "An act to provide for the appointment of

three commissioners in each county in this Territory," was amended by adding a concluding clause.

Read third time.

Bill passed as amended.

Title agreed to.

* The committee to whom was referred

H B No 108 a bill for "An act regulating Elections," report the same back amended, and recommend its passage.

H. F. PARKER, Chairman.

Report received.

Mr Colby offered the following resolution

Resolved, That the select committee to whom was referred

C B No 9, a bill for "An act to Incorporate the Nevada Ditch Company," are hereby instructed to report the same back to the Council forthwith.

On motion, rules were suspended and resolution adopted.

On motion of Mr Steck the amendments of the committee on Judiciary to

H B No 75, a bill for "An act concerning Judgments and Executions," were adopted.

Bill read third time.

Passed as amended.

Title agreed to.

The committee on Agriculture, to whom was referred

H B No. 56, a bill for "An act to protect and regulate the irrigation of lands," have considered the same, and instructed me to report the bill back, without amendment, and recommend its passage.

J. M. FRANCISCO, Chairman.

Report received.

Committee on Federal Relations have considered

J M No. 4, and report the same back, without amendment, and recommend the concurrence of the Council therein.

H. J. GRAHAM, Chairman.

Report received.

The committee on Highways and Bridges, to whom was referred

C B No. 43, a bill for "An act to incorporate the Breckinridge, Buckskin Joe and Hamilton wagon road company," have considered the same, and report the bill back, and recommend favorable action thereon by the Council.

H. J. GRAHAM, Chairman.

Report received.

On motion, Council concurred in House amendment to

C B No. 12, a bill for "An act to regulate and establish the rates of charges for publication of legal advertisements."

On motion, House amendment to

C B No. 14, a bill for "An act concerning conveyances of real estate," was

Referred to committee on Judiciary.

On motion, Council concurred in House amendment to
C B No. 22, a bill for "An act concerning bills of exchange and promissory notes."

On motion of Mr Steck, Council went into committee of the Whole, on

H B No. 47, a bill for "An act to incorporate the city of Denver."
Mr Mather in the chair.

Committee rose, and asked time to prepare report.

Report received.

On motion, Council adjourned.

AFTERNOON SESSION.

Council met.

President in the chair.

A quorum present.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
October 25, 1861. }

Hon. President of the Council:—

I am instructed by the House to inform your honorable body, that
H B No. 49, a bill for "An act for the establishment of Police Magistrates' courts, in towns and cities;" also,

H B No. 61, a bill for "An act concerning partition of real estate;" also,

H B No. 128, a bill for "An act concerning fugitives from justice;" also,

H B No. 129, a bill for "An act concerning oaths and affirmations;" also,

H B No. 130, a bill for "An act to provide for vacancies in the Legislature," have passed the House, and your concurrence is respectfully requested.

Also, that the House concurs in Council amendment to

C B No. 20, a bill for "An act concerning actions by persons holding lands, except as against the United States," by striking out, in section 4, the words "twenty-five," and inserting the word "five."

Also, that the House insists upon disagreeing to Council amendments to

H B No. 66, a bill for "An act to create a lien in favor of ranchmen and others," and asks a committee of conference from the Council, to confer with a like committee from the House, Messrs. Witter, Steele and Crocker having been appointed such committee.

F. H. PAGE Chief Clerk.

On motion, Messrs. Graham, Steck and Francisco were appointed a committee of conference, to meet a like committee on the part of the House, to consider H B No. 66.

The Judiciary committee report

C B No. 23, a bill for "An act concerning limitation of actions," with the recommendation that it pass.

AMOS STECK, Chairman.

Report received.

On motion, Council went into committee of the Whole, on the General File.

Mr Mather in the chair.

Committee rose, and made the following report:

The committee of the Whole have had under consideration J M No. 4, "Joint Memorial relative to a mail route along the South Platte River," and report the same back to the Council for favorable consideration.

Also, have considered

C B No, 23, a bill for "An act concerning limitation of actions," and report the same back to the Council, and recommend that it pass.

Also have considered,

H B No. 108, a bill for "An act regulating elections,"

And report the same back to the Council, with the following amendments, to-wit,

By adding to section 1, the words, "Provided that no officer or soldier, or other person in the regular army of the United States, or attached to regular troops in the service of the United States, shall be allowed to vote in this Territory; and provided further, that no volunteer, officers or soldiers of this Territory, in actual camp or service, except volunteer officers and soldiers in service as Home Guards, and officers of the Governor's Staff, shall vote at any election in this Territory, except for Territorial officers."

Also, striking out, in section 1, sixth line, the words "they" and inserting the word "he," also in last line inserting the word "the,"

Also, in section 2, sixth line, inserting the word "who,"

Also, striking out in section 3, eighth and ninth line, the words "Territorial Superintendent of Common Schools."

Also, striking out the same words in section 4, fifth line, also, inserting in section 4, twentieth line, the words "October and November" in place of the words "November and January,"

Also, in section 10, second line, insert "July" in the place of "September," and in third line of same section, strike out the words "Territorial Superintendent,"

Also, striking out, in section 11, second line, the words "Territorial Superintendent,"

Also, inserting the word "July" in place of the word "September" in section 12, second line,"

Also, in section 16, sixth line, inserting the word "board" in place of the word "Court,"

Also, striking out, in section 18, all after the word "filled" in fourth line, to the word "by" in fourteenth line,"

Also, in section 25, second line, inserting the word "Act" in place of the word "Chapter,"

Also, in section 26, eleventh line, insert the word "three" in place of the word "six,"

Also, striking out in section 30, the words "Superintendent of Common Schools, Auditor and Treasurer,"

Also, inserting in section 34, third line, the words "the same" "or by some safe conveyance,"

Also, inserting in section 43, third line, the word "April" in place of the word "July."

Also, do not recommend the adoption of the addition made by the House.

C. W. MATHER, Chairman.

Report received.

On motion Council adjourned,
Until 9 o'clock A. M., the 26th inst.

COUNCIL CHAMBER, }
Saturday, Oct. 26, 1861. }

Council met pursuant to adjournment.

President in the chair.

Absent—None.

Journal read and approved.

Petition of A. A. Wagoner and others, praying that a charter be granted to the Spanish Bar wagon road company, was read, and
Referred to committee on Highways and Bridges.

The committee on Judiciary, to whom

C B No. 14, a bill for "An act concerning conveyances of real estate," with amendments of the House, was referred, report the same back to the Council, with the recommendation that the amendments made by the House, be concurred in by the Council,

The committee have also had under consideration

H B No. 43, a bill for "An act to provide for recording contracts relative to lands, and for other purposes," and recommend the passage of the bill.

The committee also report

H B No. 36, a bill for "An act concerning imprisonment for debt," amended by inserting in next to last line, between the word "debt" and the word "in," the words "upon any contract, express or implied."

The Council also report

H B No. 97, a bill for "An act to create lien in favor of mechanics in certain cases," and recommend the passage of the same, without amendment.

AMOS STECK, Chairman.

Report received.

The committee on Incorporations, to whom was referred

C B No. 39, a bill for "An act to incorporate St. John's Church

in Denver," have had the same under consideration, and report the same back to the Council, without amendment, and recommend its passage.

A. U. COLBY, Chairman.

Report received.

The committee on Military Affairs, to whom was referred C B No. 46, a bill for "An act to protect the mining claims and property of soldiers," report the same back to the Council, with the following amendments to section 1, to-wit:

"*Provided however*, Such soldier shall file, in the office of the recorder of the mining district in which such claims are located, a list of the same, signed with his name;"

And with this amendment, recommend its passage.

S. M. ROBBINS, Chairman.

Report received.

The committee, to whom was referred

C B No. 37, a bill for "An act to prevent the importation of stock into the Territory of Colorado, for grazing purposes," have had the same under consideration, and recommend its passage, with the amendments thereto attached.

J. M. FRANCISCO, Chairman.

Report received.

Notice of bills;

By Mr Parker:

A bill for "An act to incorporate the Bank of the Capital, with Branches."

H B No. 49, a bill for "An act for the establishment of Police Magistrates' courts in cities and towns."

Read first time.

H B No. 61, a bill for "An act concerning partition of real estate."

Read first time.

H B No. 128, a bill for "An act concerning fugitives from justice."

Read first time.

H B No. 129, a bill for "An act concerning oaths and affirmations."

Read first time.

H B No. 130, a bill for "An act to provide for vacancies in the Legislature,"

Read first time.

H B No. 120, a bill for "An act concerning aliens,"

Read second time,

And referred to committee on Judiciary.

C B No. 45, a bill for "An act to protect the rights of Married Women,"

Read second time,

And referred to committee on Judiciary.

H B No. 122, a bill for "An act concerning ejectment,"

Read second time,

And referred to committee on Judiciary.

H B No. 119, a bill for "An act concerning jurors,"

Read second time,

And referred to committee on Judiciary.

H B No. 25, a bill for "An act to establish a Territorial Library and Cabinet,"

Read second time,

And referred to committee on Territorial Library.

C B No. 23, a bill for "An act concerning limitation of actions,"

Bill was read third time,

Passed.

Title amended so as to read "An act to provide for the limitation of actions."

J M No. 4, Joint Memorial "relative to a mail route along the South Platte River."

Bill was read third time.

Passed.

H B No. 108, a bill for "An act regulating elections."

Amended in committee of the whole,

Was taken up.

Upon the question, shall the amendment to section 1, be adopted.

Ayes and nays demanded.

Ayes—Messrs Graham, Mather, Parker, Steck and Mr President—5.

Nays—Messrs Colby, Francisco, Robbins and Willis—4.

Carried.

Mr Robbins moved to amend the amendment of committee of the whole, by striking out the words "second of December," and inserting the words "twenty-fifth of November."

Ayes and nays demanded.

Ayes—Messrs Colby, Graham and Robbins—3.

Nays—Messrs Francisco, Mather, Parker, Steck, Willis and Mr President—6.

Lost.

On motion of Mr Robbins, the amendments of the committee were adopted.

Read third time.

Passed.

Title agreed to.

C B No. 14, a bill for "An act concerning conveyances of real estate," returned from the house amended, was taken up.

On motion,

Council concurred in the amendments.

On motion,

Council insisted on its amendment to

H B No. 50, a bill for "An act to prevent and punish resistance to officers."

The committee to whom was referred

H B No. 118, a bill for "An act to provide for stay of proceedings on Foreign indebtedness,"

Report the same back to the Council, and recommend that it be referred to committee of the whole.

H. F. PARKER, Chairman.

Report adopted.

On motion, Council went into committee of the whole on the general file.

Mr Robbins in the chair, committee rose reported progress, and asked leave to sit again.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES,

October 26th, 1861. }

Honorable President of the Council:

I am instructed to inform your honorable body, that the House has passed H B No. 114, a bill for "An act creating homesteads,"

And your concurrence is respectfully requested.

I also return to the Council,

H B No. 87, a bill for "An act to establish the Treasury Department,"

And inform your honorable body that the House has concurred in the following Council amendments to-wit:

In striking out in section 1, article 1, the words, "until the first General Territorial Election," and inserting the words, "for two years;" also, in striking out in last line of said section the words, "or certificates of election," also, in amending article 4, section 1, by filling the blank with the words "on or before the first Monday in October," also,

In amending article 4, section 5, by filling the blank with the words "first Monday in October," and amended Council amendment to article one, by adding section 7, to read as follows: All books, maps, stationery, furniture, office rent, and fuel for the use of the Auditor and Treasurer's offices, shall be furnished at the expense of the Territory," also, amending Council amendment to article 6, section 2, by striking out the words "two thousand," and inserting the words "three thousand," and striking out the words "the Auditor shall be, and is hereby required to perform the duties of Register of Lands."

F. H. PAGE, Chief Clerk.

C B No. 38, a bill for "An act to incorporate the Colorado and New Mexico joint stock, gold, silver and copper mining company,"

Was taken up.

Mr Colby moved to amend section 1, by striking out the name of "E. C. Jacobs," and inserting the name of "E. McClintock" in its place, also, by adding to the names in section 1, the following: A. W. Hall, E. H. Brown, John Graham and W. F. Griswold.

Adopted.

Mr. Steck moved that the bill be indefinitely postponed,
Lost.

Mr Steck moved that the bill be laid upon the table.

Ayes and Nays demanded.

Ayes—Messrs Graham, Mather, Parker and Steck—4.

Nays—Messrs Colby, Francisco, Robbins, Willis and Mr President—5.
Lost.

Mr. Parker moved to adjourn.

Ayes and nays demanded.

Ayes—Messrs Graham, Mather, Parker and Steck—4.

Nays—Messrs Colby, Francisco, Robbins, Willis and Mr President—5.
Lost.

Mr Mather moved that the Council adjourned until 10 o'clock,
A. M. Monday.

Ayes and nays demanded.

Ayes—Messrs Graham, Mather, Parker, Steck and Mr President—5.

Nays—Messrs Colby, Francisco, Robbins and Willis—4.

Carried.

Council adjourned.

COUNCIL CHAMBER, }
Monday October 28, 1861. }

Council met pursuant to adjournment.

President in the chair.

Absent—Mr Willis.

Journal read and approved.

The committee on Enrolled and Engrossed Bills, report that they have examined

C B No 5, a bill for "An act concerning fraudulent conveyances and contracts relative to real and personal property," and find the same correctly enrolled.

C. W. MATHER, Chairman.

Report received.

The committee on Incorporations, to whom was referred

C B No 40, a bill for "An act to incorporate the Denver Gas-light and Coke Company, report the same back to the Council without amendment, and recommend its consideration by committee of the Whole.

A. U. COLBY Chairman.

Report received,

Notice of Bill.

By Mr Francisco—a bill for "An act to Incorporate the Arkansas Hydraulic and Milling Company."

The committee on Highways and Bridges, have had under consideration

C B No 44, a bill for "An act to Incorporate the Spanish Bar Wagon Road Company," and report the same back to the Council amended.

H. J. GRAHAM, Chairman.

Report received.

H B No 114, a bill for "An act creating Homesteads,"

Read first time.

H B No 49, a bill for "An act for the establishment of Police Magistrates' Courts in towns and cities."

Read second time, and referred to committee on Judiciary.

H B No 128, a bill for "An act concerning fugitives from justice."

Read second time and referred to committee on Judiciary.

H B No 129, a bill for "An act concerning oaths and affirmations."

Read second time and referred to committee on Judiciary.

H B No 130, a bill for "An act to provide for vacancies in the Legislature."

Read second time and referred to committee on elections.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES,
October 28, 1861. }

Honorable President of the Council:

I am instructed to inform the Council that the House has passed H B No 11, a bill for "An act to locate the seat of Government of Colorado Territory," and your concurrence is respectfully requested.

F. H. PAGE, Chief Clerk.

H B No 61, a bill for "An act concerning partition of real estate."

Read second time and referred to committee on Judiciary.

H B No 87, a bill for "An act to authorize and establish the Treasury Department," returned from the House, was taken up.

On motion, Council concurred in House amendment, adding article seven to section one, reading as follows:

"All books, maps, stationery, office rent and fuel for the use of the Auditor's and Treasurer's offices, shall be furnished at the expense of the Territory," also amended House amendment to article six, section two, by striking out the words "three hundred," and inserting the words "fifteen hundred" in their place.

C. B. No. 38, a bill for "An act to Incorporate the Colorado and New Mexico Joint Stock, Gold, Silver and Copper Mining Company," was taken up.

Mr Steck offered the following amendment:

"The Legislative Assembly shall have the power at any session hereafter to alter, modify or repeal this act, and to cause such regulations to be made respecting the closing of the corporation as they may deem proper."

Ayes and nays demanded on the adoption of the amendment.

Ayes—Messrs Graham, Mather, Parker, and Steck—4.

Nays—Messrs. Colby, Francisco, Robbins, Willis and Mr President—5. Lost.

Mr Steck moved the following amendments, to-wit:

That all of section one after the word "law" in second line from top of second page, be stricken out, also adding to section eight, the words "*Provided*, That no bond shall be issued or made for any less sum than one hundred dollars;" also, adding to section nine, these words, "*Provided*. That no certificate or other evidence of indebtedness of said loan shall be in any sum less than one hundred dollars."

Messages from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
October 28, 1861. }

Hon. President of the Council:

I am instructed to inform the Council that the House has passed H B No. 132, a bill for "An act regulating proceedings on writs of habeas corpus," and the concurrence of the Council is respectfully requested.

F. H. PAGE, Chief Clerk.

HOUSE OF REPRESENTATIVES, }
October 28, 1861. }

Hon. President of the Council:—

I am instructed by the House to inform the Council, that

H B No. 60, a bill for "An act concerning wills, executors and administrators."

H B No. 103, a bill for "An act concerning probate courts."

H B No. 105, a bill for "An act concerning legal advertisements."

H B No. 106, a bill for "An act concerning divorce and alimony."

H B No. 123, a bill for "An act concerning joint rights and obligations."

H B No. 124, a bill for "An act to prevent the introduction of animals, for the purpose of grazing, within certain limits."

H B No. 126, a bill for "An act concerning injunctions."

H B No. 134, a bill for "An act concerning bonds in certain cases."

H B No. 155, a bill for "An act authorizing the United States' Marshal to serve process in certain cases."

H B No. 136, a bill for "An act concerning county jails;" also,

J M No. 5, "Joint Memorial relative to the salary of Territorial officers;" also,

J R No. 4, "Joint Resolution relative to a Territorial seal,"

Have passed the House, and the concurrence of the Council is respectfully requested.

F. H. PAGE Chief Clerk.

Mr Parker moved that the Council adjourn.

Ayes and nays demanded.

Ayes—Messrs. Graham, Mather, Parker and Steck—4.

Nays—Messrs. Colby, Francisco, Robbins, Willis and Mr. President—5. Lost.

Mr Robbins moved, that Mr Steck have leave to print.

Mr Parker moved to amend, as follows: "That the Public Printer have leave to print."

Ayes and nays demanded on the motion as amended.

Ayes—Messrs. Colby, Francisco, Mather, Parker, Robbins, Willis and Mr President—7.

Nays—Messrs. Graham and Steck—2. Carried.

Mr Parker moved that the Council adjourn.

Ayes and nays demanded.

Ayes—Messrs. Graham, Mather, Parker and Steck—4.

Nays—Messrs. Colby, Francisco, Robbins, Willis and Mr President—5. Lost.

Mr Mather moved that the Council take a recess of thirty minutes.

Ayes and nays demanded.

Ayes—Messrs. Mather, Parker and Steck—3.

Nays—Messrs. Colby, Francisco, Graham, Robbins, Willis and Mr President—6. Lost.

Mr Parker moved that the Council adjourn.

Ayes and nays demanded.

Ayes—Messrs. Graham, Mather, Parker and Steck—4.

Nays—Messrs. Colby, Francisco, Robbins, Willis and Mr President—5. Lost.

Mr Parker moved that the Council take a recess of thirty minutes.

Ayes and nays demanded.

Ayes—Messrs. Graham, Mather, Parker and Steck—4.

Nays—Messrs. Colby, Francisco, Robbins, Willis and Mr President—5. Lost.

Ayes and nays demanded by Mr Steck, on appealing from the decision of the chair, ruling him out of order in not speaking to the question.

Mr President asked to be excused from voting.

Ayes and nays demanded, pending which,

Mr Graham asked to be excused from voting.

Ayes and nays demanded, pending which,

Mr Graham moved that voting on the three last motions be dispensed with.

Mr Parker moved to amend the motion, by adding "to lay the bill on the table," pending which,

Mr Parker moved to adjourn.

Ayes and nays were demanded.

Ayes—Messrs. Graham, Mather, Parker and Steck—4.

Nays—Messrs. Colby, Francisco, Robbins, Willis and Mr President—5. Lost.

Question recurring on the motion to lay the bill on the table,

Ayes and nays were demanded.

Ayes—Messrs. Mather, Parker and Steck—3.

Nays—Messrs. Colby, Francisco, Graham, Robbins, Willis and Mr President—6. Lost.

Question recurring on the appeal from the chair,

Ayes and Nays demanded;

Ayes—Messrs Colby, Francisco, Robbins and Willis—4.

Nays—Messrs Graham, Mather, Parker and Steck—4. Lost.

Chair sustained.

Question recurring on the adoption of the amendment to section 1, offered by Mr Steck,

Ayes and nays demanded.

Ayes—Messrs Graham, Mather, Parker and Steck—4.

Nays—Messrs Colby, Francisco, Robbins, Willis and Mr President—5. Lost.

Ayes and nays demanded on adopting amendments to section 8.

Ayes—Messrs Colby, Francisco, Graham, Mather, Parker, Steck and Mr President—7.

Nays—Messrs Robbins and Willis—2. Lost.

Amendment adopted.

Ayes and nays demanded on adopting the addition to section 9.

Ayes—Messrs Colby, Francisco, Graham, Mather, Parker, Steck and Mr. President—7.

Nays—Messrs Robbins and Willis—2.

Amendment adopted.

Ayes and nays demanded on adopting additional section offered by Mr Steck, and reading as follows:

Provided, That no paper security, or other evidence of loan, nor any certificate of indebtedness, shall be given by said corporation, or any of its agents, to circulate as money.

Ayes—Messrs Graham, Mather, Parker and Steck—4.

Nays—Messrs Colby, Francisco, Robbins, Willis and Mr President—5. Lost.

Mr Graham moved that the first section be amended so as to limit this charter to five years.

Ayes and nays demanded.

Ayes—Messrs Graham, Mather, Parker and Steck—4.

Nays—Messrs Colby, Francisco, Robbins, Willis and Mr. President—5. Lost.

Mr Colby moved that the names of E. Buckner and G. W. Hinckley be added to the list of corporators.

Ayes and nays demanded.

Ayes—Messrs Colby, Francisco, Graham, Robbins, Willis and Mr. President—6.

Nays—Messrs Mather, Parker and Steck—3. Carried.

Mr Steck moved to amend the title of the bill so as to read "An act to incorporate the Colorado and New Mexico Joint Stock Banking Company."

Motion was ruled out of order.

Mr Graham moved to strike out, in section 1, the word "perpetual," and insert, in lieu thereof, the words "ten years."

Ayes and nays demanded.

Ayes—Messrs Graham, Mather, Parker and Steck—4.

Nays—Messrs Colby, Francisco, Robbins, Willis and Mr President—5. Lost.

Mr Steck offered the following amendment:

“This act may be hereafter altered, modified or repealed by any Legislative Assembly of this Territory.”

Ayes and nays demanded.

Ayes—Messrs Graham, Mather, Parker and Steck—4.

Nays—Messrs Colby, Francisco, Robbins, Willis and Mr President—5. Lost.

Mr Steck offered the following amendment, to be inserted in section one: “That after ten years, this act may be altered, modified or repealed by any Legislative Assembly of this Territory.”

Mr President offered an amendment to the amendment, as follows: To insert the words “twenty years” in the place of the words “ten years.”

Ayes and nays demanded on the amendment as amended.

Ayes—Messrs Colby, Francisco, Robbins, Willis and Mr President—5.

Nays—Messrs Graham, Mather, Parker and Steck—4. Carried. Bill was read third time.

Ayes and nays demanded on its passage.

Ayes—Messrs Colby, Francisco, Robbins, Willis and Mr President—5.

Nays—Messrs Graham, Mather, Parker and Steck—4.

Passed.

Mr. Steck moved to amend the title to the bill so as to read,

“An act to incorporate the Colorado and New Mexico Joint Stock Banking Company.”

Ayes and Nays demanded.

Ayes—Messrs Mather, Parker and Steck—3.

Nays—Messrs Colby, Francisco, Graham, Robbins, Willis and Mr. President—6. Lost.

Question recurring on allowing the bill to stand,

Ayes and nays were demanded.

Ayes—Messrs Colby, Francisco, Robbins, Willis and Mr President—5.

Nays—Messrs Graham, Mather, Parker and Steck—4. Carried.

Title agreed to.

Mr Graham introduced C B No. 47, a bill for “An act to organize the Judicial Districts of Colorado Territory, and to assign the Judges of the Supreme Courts thereto, respectively.” Also,

C B No. 48, a bill for “An act relating to the Supreme and District Courts of Colorado Territory.”

Mr. Colby moved to adjourn until 9 o'clock A. M., to-morrow.

Ayes and nays demanded.

Ayes—Messrs Graham, Mather, Parker, Steck and Mr President—5. Nays—Messrs Colby, Francisco, Robbins and Willis—4.

Carried. Council adjourned.

COUNCIL CHAMBER,
October 29, 1861.

Council met pursuant to adjournment.

President in the chair.

Absent—none.

The committee to whom was referred

C B No. 42, a bill for "An act to incorporate the Colorado and Pacific wagon, telegraph and railroad company," have had the same under consideration, and report the same back to the Council, and recommend it to be considered in committee of the Whole.

H. J. GRAHAM, Chairman.

Report received.

The committee on Judiciary report that they have had under consideration

H B No. 125, a bill for "An act to establish a Territorial library and cabinet;" also,

H B No. 120, a bill for "An act concerning aliens;" also,

H B No. 45, a bill for "An act concerning warrants of towns and cities;" and

H B No. 19, a bill for "An act concerning practice in civil cases," and recommend the same, without amendment, to the favorable action of the Council.

AMOS STECK, Chairman.

Report received.

The committee to whom was referred

C B No. 6, a bill for "An act for the protection of trout fish," have had the same under consideration and report the same back, without amendment, and recommend its passage.

R. B. WILLIS, Chairman.

Report received.

The committee on Incorporations report

C B No. 41, a bill for "An act to incorporate the bank of Colorado," back to the Council and recommend its consideration by the committee of the Whole.

A. U. COLBY, Chairman.

Report received.

C B No. 48, a bill for "An act relating to the Supreme and District Courts of Colorado Territory."

Read first time.

On motion, rules were suspended.

Bill read second time, and

Referred to committee on Judiciary.

C B No. 47, a bill for "An act organizing the Judicial Districts of Colorado Territory, and to assign the Judges of the Supreme Court thereto, respectively."

Read first time,

On motion, rules were suspended.

Bill read second time, and

Referred to committee on Judiciary.

C B No. 49, a bill for "An act to incorporate the Arkansas hydraulic and milling company."

Read first time.

On motion, rules were suspended.

Bill read second time, and

Referred to committee on Incorporations.

H B No. 11, a bill for "An act to locate the seat of government of Colorado Territory."

Read first time.

On motion, rules were suspended.

Bill read second time, and

Referred to committee of the Whole.

H B No. 60, a bill for "An act concerning wills, executors and administrators."

Read first time.

H B No. 132, a bill for "An act regulating proceedings on writs of habeas corpus."

Read first time.

H B No. 103, a bill for "An act concerning probate courts."

Read first time.

H B No. 105, a bill for "An act concerning legal advertisements."

Read first time.

H B No. 106, a bill for "An act concerning divorce and alimony."

Read first time.

H B No. 123, a bill for "An act concerning joint rights and obligations."

Read first time.

H B No. 124, a bill for "An act to prevent the introduction of animals, for the purpose of grazing, within certain limits."

Read first time.

H B No. 126, a bill for "An act concerning injunctions."

Read first time.

H B No. 134, a bill for "An act concerning bonds in certain cases."

Read first time.

H B No. 135, a bill for "An act authorizing the United States' Marshal to serve process in certain cases."

Read first time.

H B No. 136, a bill for "An act concerning county jails."

Read first time.

J R No. 4, "Joint resolution relative to a Territorial seal."

Read first time.

J M No. 5, "Joint memorial relative to the salaries of Territorial officers."

Read first time.

Mr Mather offered the following resolution:

Resolved, That public bills be considered first in the order of business, after this day.

On the question, "Shall the rules be suspended and resolution considered?"

Ayes and nays were demanded.

Ayes—Messrs. Mather, Parker, Steck and Mr. President—4.

Nays—Messrs. Colby, Francisco, Graham, Robbins and Willis—5.
Lost.

On motion of Mr Robbins, Council went into committee of the whole on the general file,

Mr Robbins in the chair.

The committee rose and made the following report:

The committee of the whole have had under consideration,

C B No. 4, a bill for "An act to confirm the action of the people within the limits of the present Territory of Colorado in establishing Courts and Recording offices in the absence of a Territorial Organization," and

C B No. 42, a bill for "An act to incorporate the Colorado and Pacific Wagon, Telegraph and Railroad Company," and report the first back, amended in section 3, by striking out all after the word, "Territory,"

Also, striking out, in section 5, all after the word "Territory," and with these amendments recommend its passage,

Also, have amended C B No. 42, by striking out in first section the names of S. Cort, B. F. Ford, C. S. Hinckley, B. D. Honore, C. H. Blake, D. Morris, W. D. Pease, J. E. Leeper, G. Haggird, N. Sargeant, Marcus Walker, J. J. Walley, A. Sagendorf, S. Cushman and S. L. Baker, and inserting the names of William Bailey and B. F. Cavan,

Also, by striking out all after the words "to-wit:" in seventh line from end of first section, and inserting instead, the following, to-wit:

"From the last line of said Territory of Colorado, to the City of Denver: thence westerly to the South Bank of Clear creek; thence up Clear creek to Golden City; thence up the course of Clear creek to the Junction of North and South Clear creek; thence up the valley of South Clear creek to where Hoops creek enters Clear creek; thence up Hoops creek to the summit of Berthoud's Pass; thence over the pass to Moses creek; thence down Moses creek to the Park; thence through the Park to Grand River, near the Hot Springs; thence over Grand River and westerly to Gore's Pass; thence over Gore's Pass to Stampede creek; thence north west by Service and Clute's creeks to Bear River; thence over Bear River to Oak creek; thence by Metut's Fork, Sage creek and San Clair creeks to William's Fork of Bear River; thence by South of Ash creek, Mountain Ash Pass, Lost and Waddell's creeks to Yellow Jacket Pass; thence by the Pass and Painted Rock Canon to White River; hence by the Valley of White River to the western boundary of the Territory of Colorado,"

Also, by adding additional section No. 19, to read as follows, to-wit: "Nothing in this act shall be construed so as to confer any Banking power of any nature whatsoever, nor to issue, make or circulate or cause the same to be issued, made, or circulated any certificate of law, deposit or bonds or other promise to pay of any sort to circulate as money in this Territory or elsewhere," and with these amendments report the bills back to the Council and recommend them to the favorable action of the Council.

S. M. ROBBINS, Chairman.

Report received.

On motion,

Mr. Colby was added to the committee on enrolled and engrossed bills,

On motion to adjourn,

Ayes and nays were demanded.

Ayes—Messrs Graham, Parker and Steck—3.

Nays—Messrs Colby, Francisco, Mather, Robbins, Willis and Mr. President—6.

Lost.

Mr Robbins moved that

C B No. 42, amended in committee of the whole, be taken up.

Pending which,

On motion Council adjourned,

AFTERNOON SESSION.

Council met.

President in the chair.

A quorum present.

Mr. Mather moved that the committee on enrolled and engrossed bills be authorized to employ such clerical force as may seem to them necessary. Carried.

C B No. 4, a bill for "An act in relation to county and Recorder's offices heretofore established and transfers of property heretofore made," was taken up.

Mr Robbins moved that the amendments, made to the bill in committee of the whole, be adopted.

Ayes and nays demanded.

Ayes—Messrs Colby, Francisco, Mather, Willis and Mr President—5.

Nays—Messrs Graham, Parker, Robbins and Steck—4. Carried.

Mr Colby moved to reconsider the vote.

Ayes and nays demanded.

Ayes—Messrs Colby, Graham, Parker, Robbins and Steck—5.

Nays—Messrs Francisco, Meather, Willis and Mr. President—4.
Carried.

Mr Robbins moved that the amendments of the committee of the whole be adopted. Lost.

On motion of Mr. Robbins.

Bill read third time,

Passed.

Title amended by adding the words "in absence of a Territorial Organization."

C B No 42, a bill for "An act to incorporate the Colorado and Pacific, Wagon, Telegraph and Railroad Company," was taken up.

On motion of Mr Robbins, amendments of the committee of the Whole were adopted.

Mr Willis moved to add the name of Francis M. Case, to the list of corporators. Adopted.

Messages from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
October 29, 1861. }

Hon. President of the Council:

I am instructed to inform the Council that the House has passed H B No 89, a bill for "An act to Incorporate Canon City."

H B No 90, a bill for "An act to incorporate the city of Pueblo."

H B No 94, a bill for "An act concerning construction of statutes."

H B No 99, a bill for "An act granting the exclusive right to Joseph M. Jacques and Joseph V. Garcia to maintain a ferry across the Rio Grande at Paso Del Puerto."

H B No 113, a bill for "An act fixing the time of meeting of the Legislature."

H B No 155, a bill for "An act concerning dower," and the concurrence of the Council is respectfully requested.

I also return to your Honorable body,

H B No 50, a bill for "An act to prevent and punish resistance to officers."

The House insisting on disagreeing to amendments made by the Council and asking for a committee of conference from the Council to confer with a like committee on the part of the House,

Messrs. Chaffee, Crocker and Scudder have been appointed House Committee.

F. H. PAGE. Chief Clerk.

HOUSE OF REPRESENTATIVES, }
October 29, 1861. }

Hon President of the Council:

I am instructed to inform the Council that the House has passed the following bills:

H B No 91, a bill for "An act to incorporate the Altonia town Company."

H B No 92, a bill for "An act to Incorporate the Bear Canon Road Company."

H B No 93, A bill for "An act to Incorporate the St. Vrain, Altonia, Boulder Mines and Gregory Road Company," and the concurrence of the Council is respectfully requested.

F. H. PAGE, Chief Clerk.

Mr Steck moved to strike out the names of the present corporators in C B No 42, and insert the names of B. F. Holliday, W. H. Russel, Bela M. Hughes, W. R. Likens and E. L. Berthoud.

Mr Parker offered an amendment to the motion by adding the names of S. C. Pomeroy, of Kansas, and John C. Fremont, of California.

Ayes and nays demanded.

Ayes—Messrs Parker and Steck—2.

Nays—Messrs Colby, Francisco, Graham, Mather, Robbins, Willis and Mr President—7. Lost.

Question recurring on the amendment of Mr Steck.

Ayes and nays were demanded.

Ayes—Messrs Mather, Parker and Steck—3,

Nays—Messrs Colby, Francisco, Graham, Robbins, Willis and Mr President—6. Lost.

Mr Steck moved to add the names of B. F. Holliday, W. H. Russel, Bela M. Hughes, W. R. Likens and E. L. Berthoud to the list of corporators,

Ayes and nays demanded.

Ayes—Messrs Mather, Parker and Steck—3.

Nays—Messrs Colby, Francisco, Graham, Robbins, Willis and Mr President—6. Lost.

Bill was read third time.

Ayes and nays demanded on its passage.

Ayes—Messrs Colby, Francisco, Graham, Robbins, Willis and Mr President—6.

Nays—Messrs Mather, Parker and Steck—3.

Bill passed.

Mr Robbins moved to reconsider the vote.

Mr Colby moved to lay the motion on the table.

Ayes and nays demanded.

Ayes—Messrs Colby, Francisco, Graham, Robbins, Willis and Mr President—6.

Nays—Messrs Mather, Parker and Steck—3. Carried.

Title agreed to.

On motion of Mr Robbins, Council went into committee of the Whole on the general file.

Mr Mather in the chair.

Committee rose and made the following report:

The committee of the Whole have had under consideration H B No 11, a bill for "An act to locate the seat of Government of Colorado Territory," and report the same back and recommend its passage, with following amendments, to-wit:

Striking out the word "Denver," in section 1, and inserting, in lieu thereof, the words "Colorado City." Also,

Striking out the words "south bank of the south fork of Platte River, at the mouth of Cherry Creek," and inserting the words "east bank of the Fontaine-qui-Bouille River." Also,

Striking out in section 2, the word "Denver," and inserting, in lieu thereof, the words "Colorado City."

The committee have also had under consideration the following bills, and report the same back to the Council, and recommend their passage.

C B No. 39, a bill for "An act to incorporate St. John's Church, in Denver."

C B No. 37, a bill for "An act to prevent the importation of stock into the Territory of Colorado, for grazing purposes."

C B No. 36, a bill for "An act for the protection of Trout Fish."

Also, that C B No. 40, a bill for "An act to incorporate the Denver Gas-Light and Coke Company," be reported back to the Council, with the recommendation that it be laid on the table. Also, that

C B No. 43, a bill for an act to incorporate the Breckenridge, Buckskin Joe and Hamilton Wagon Road Company," be reported back to the Council without recommendation.

C. W. MATHER, Chairman.

Report received.

On motion, Council adjourned until to-morrow at 9 o'clock A. M.

COUNCIL CHAMBER, }
Wednesday, Oct. 30, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

A quorum present.

Absent—Messrs Graham and Parker.

Journal of the 28th read and approved.

Mr Steck presented petition of C. A. Cook and others, praying that the Hon. Charles Lee Armour be assigned to the Third Judicial District. Petition read.

The committee on Enrolled and Engrossed bills, having examined C B No. 38, a bill for "An act to incorporate the Colorado and New Mexico joint stock, gold, silver and copper mining company,"

Report that the same is correctly engrossed.

C. W. MATHER, Chairman.

Report received.

The committee of conference to whom was referred

H B No. 66, a bill for "An act to create a lien in favor of ranchmen and others,"

Agree that the House shall concur in the amendment proposed by the Council, reading as follows:

"*Provided*, the provisions of this act shall not extend to stolen stock," which shall be added as a proviso, to section 1.

H. J. GRAHAM,
AMOS STECK,
J. M. FRANCISCO.

Report received.

The committee on Federal Relations, to whom was referred J M No. 2, "Joint memorial praying for the establishment of a United States mint, at Denver," report the same back without amendment, and recommend its passage.

H. J. GRAHAM, Chairman.

Report received.

The special committee to whom was referred C B No. 9, a bill for "An act to incorporate the Nevada Ditch Company," report the same back without amendment, and recommend its passage.

S. M. ROBBINS, Chairman.

Report received.

The committee on Judiciary, to whom was referred

C B No. 48, a bill for "An act relating to the Supreme and District Courts of Colorado Territory;" and,

C B No. 47, a bill for "An act organizing the Judicial Districts of Colorado Territory, and assigning the Judges of the Supreme Court thereto, respectively," report the same back without amendments, and recommend favorable action thereon.

AMOS STECK, Chairman.

Report received.

On motion, resolution of Mr Mather, giving precedence to public bills over those of a private character from and after date, which laid over under the rules, was adopted.

Notice of bill, by Mr Robbins;

A bill for "An act to incorporate the Blue River Flume Company."

The committee on Incorporations report C B No. 8, "An act to incorporate the Eldorado Mining Company," back to the Council, and recommend its consideration by the committee of the Whole.

A. U. COLBY, Chairman.

Report received.

H B No. 29, a bill for "An act to incorporate the Camp Weld and Denver Ditch and Water Company,"

Read first time. On motion,

Rules were suspended,

Read second time, and

Referred to committee on Incorporations.

H B No. 58, a bill for "An act to incorporate the Swan River and Georgia Gulch Water Company."

Read first time. On motion,

Rules were suspended,

Read second time, and

Referred to committee of the Whole.

H B No. 113, a bill for "An act fixing the time of meeting of the Legislature,"

Read first time. On motion,

Rules were suspended,

Bill read second time, and

Referred to committee of the Whole.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES,

October 29, 1861.

Hon. President of the Council:—

I am instructed to inform the Council that the House has passed the following bill:

H B No. 138, a bill for "An act to provide for elections within the limits of military posts."

And the concurrence of your honorable body is respectfully requested.

F. H. PAGE, Chief Clerk.

On leave, Mr Steck made the following report:

The Judiciary Committee having had under consideration,

H B No. 129, a bill for "An act concerning oaths and affirmations," respectfully report the bill without amendment, and recommend its passage.

The committee have had

H B No. 49, a bill for "An act for the establishment of Police Magistrates' Courts in towns and cities," under consideration, and report the same back with the recommendation that the bill be laid upon the table.

The committee have also considered

H B No. 119, a bill for "An act concerning jurors."

Amended in second section, by striking out the word "twelve," in fourth line from top of page, and inserting the word "sixteen," instead. Also,

By striking out the word "nine," in the seventeenth line of said section, from the top of page, and inserting the word "twelve," instead.

AMOS STECK, Chairman.

Report received.

The following bills were read first time:

H B No. 51, a bill for "An act to incorporate the Boulder City Lumbering Company."

H B No. 155, a bill for "An act concerning dower."

H B No. 94, a bill for "An act concerning the construction of statutes."

H B No. 90, a bill for "An act to incorporate the city of Pueblo."

H B No. 89, a bill for "An act to incorporate Canon City."

H B No. 91, a bill for "An act to incorporate the Altona Town Company."

H B No. 93, a bill for "An act to incorporate the St. Vrain, Altona, Boulder Mines and Gregory Road Company."

H B No. 64, a bill for "An act incorporating the Park Junction, Georgia and French Gulch Road Company."

H B No. 85, a bill for "An act to incorporate the St. Vrain Bridge Company."

H B No. 31, a bill for "An act incorporating the Tarryall and Arkansas River Road Company."

H B No. 99, a bill for "An act granting exclusive right to Joseph M. Jacques and Joseph V. Garcia, to maintain a ferry across the Rio Grande at Paso del Puerto." And

H B No 138, a bill for "An act to provide for elections within the limits of military posts."

H B No. 92, a bill for "An act to incorporate the Bear Canon Road Company."

Read first time. On motion,

Rules were suspended.

Bill read second time, and

Referred to committee on Highways and Bridges.

H B No. 29, a bill for "An act to incorporate the Camp Weld and Denver Ditch Company."

Read second time, and

Referred to committee on Incorporations.

H B No. 114, a bill for "An act creating Homesteads,"

Read second time, and

Referred to committee on Judiciary.

J M No. 5, "Joint memorial relative to the salary of Territorial officers."

Read second time, and

Referred to committee on Federal Relations.

J R No. 4, "Joint resolution relative to a Territorial Seal,"

Read second time, and

Referred to committee of the Whole.

H B No. 103, a bill for "An act concerning Probate Courts."

Read second time, and

Referred to committee on Judiciary.

H B No. 105, a bill for "An act concerning legal advertisements,"

Read second time, and

Referred to committee on Judiciary.

C B No. 17, a bill for "An act to regulate divorce and alimony."

Read second time, and

Referred to committee on Judiciary.

H B No. 123, a bill for "An act concerning joint rights and obligations."

Read second time, and

Referred to committee on Judiciary.

H B No. 124, a bill for "An act to prevent the introduction of animals, for the purpose of grazing, within certain limits."

Read second time, and

Referred to committee on Agriculture.

H B No. 126, a bill for "An act concerning injunctions."

Read second time, and

Referred to committee on Judiciary.

H B No. 132, a bill for "An act regulating proceedings on writs of habeas corpus."

Read second time, and

Referred to committee on Judiciary.

H B No. 134, a bill for "An act concerning bonds in certain cases."

Read second time, and

Referred to committee on Judiciary.

H B No. 60, a bill for "An act concerning wills, executors and administrators."

Read second time, and

Referred to committee on Judiciary.

H B No. 136, a bill for "An act concerning county jails."

Read second time, and

Referred to committee on Judiciary.

H B No. 58, a bill for "An act to incorporate the Swan River and Georgia Gulch water company."

Read second time, and

Referred to committee of the Whole.

H B No. 113, a bill for "An act fixing the time of meeting of the Legislature."

Read second time, and

Referred to committee on Elections.

C B No. 36, a bill for "An act for the protection of trout fish."

Read third time.

Passed.

Title agreed to.

C B No. 37, a bill for "An act to prevent the importation of stock into the Territory of Colorado, for grazing purposes."

Read third time.

Passed.

Title agreed to.

H B No. 135, a bill for "An act authorizing the United States Marshal to serve process in certain cases."

Read second time, and

Referred to committee on Judiciary.

On motion,

C B No. 40, a bill for "An act to incorporate the Denver gas-light and coke company,"

Was laid on the table.

Mr Steck moved that

H B No. 11, a bill for "An act to locate the seat of government of Colorado Territory," be made the special order for Thursday afternoon.

Mr Robbins offered an amendment, that it be made the special order for this afternoon, at 3 o'clock.

Ayes and nays demanded.

Ayes—Messrs. Francisco, Graham, Mather, Robbins, Willis and Mr President—6.

Nays—Messrs. Colby, Parker and Steck—3. Carried.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
October 30, 1861. }

Hon. President of the Council:

I am instructed to inform the Council that the House has adopted the report of the committee of conference, on

H B No. 66, a bill for "An act to create a lien in favor of ranchmen and others," by adding, as a proviso to section 1, the following: "That the provisions of this act, shall not be construed to apply to stolen stock," and the concurrence of the Council is respectfully requested.

Also, that the House has reconsidered the vote by which

H B No. 113, a bill for "An act fixing the time of meeting of the Legislature," passed, and respectfully request its return to the House. Also, that

H B No. 146, a bill for "An act concerning arbitration and award;" also,

H B No. 147, a bill for "An act relating to the commitment of prisoners;" also,

H B No. 148, a bill for "An act concerning a line fence;" and,

H B No. 149, a bill for "An act supplementary to an act entitled An act concerning judgments and executions," have passed the House, and the concurrence of your honorable body is respectfully requested.

F. H. PAGE, Chief Clerk.

The committee of the Whole, who, on the 25th, were allowed time to make their report on

H B No. 47, a bill for "An act to incorporate the city of Denver," report the same back to the Council, with a recommendation that the bill pass, with the following amendments, to-wit:

To article 1, sec 4, add the words "and may purchase lots and other property sold for taxes, and convey the same by deed of quit claim as the City Council may authorize and direct."

Also, article 2, section 2, strike out the whole section, and insert the following:

The said city shall consist of three wards; all that portion of said city lying north and east of the centre of Cherry creek, and south of the Platte River shall constitute the first ward, and all that portion of said city lying west and south of the centre of Cherry creek and south of the Platte River, shall constitute the second ward; and all that portion of said city, lying north of the Platte River, shall constitute the third ward,"

Also, article 2, Section 3, also insert this section: Section 3, of original bill to be numbered 4, "the board of Aldermen shall con-

sist of five members, two of whom shall be elected by the qualified electors of the first ward, and the like number by the qualified electors of the second ward, and one Alderman shall be elected annually by the qualified voters of the third ward,"

Also, article 2, section 5, insert after the word "Alderman" in second line, "first and second wards," also insert instead of the word "board," in next to the last line, the words, "Aldermen of the first and second wards,"

Also, article 4, section 1, strike out section 1, and insert this section in its place: "On the second Monday in November, 1861, there shall be an election held in each ward of said city, for one Mayor, one Justice of the Peace to be denominated Police Magistrate for the City of Denver; one Marshal for said city, two Aldermen from the first and second wards respectively, and one Alderman from the third ward, and forever thereafter, on the first Monday in April in each and every year, there shall be an election for one Mayor and one Marshal for said city, and one Alderman for each ward, and on the first Monday in April in the year one thousand eight hundred and sixty-three, and every two years thereafter, there shall be an election for one Justice of the Peace for said city to be denominated "Police Magistrate,"

Also, article 4, section 2, also insert this section: "for the purpose of holding the election required to be held on the second Monday in September next, J. M. Broadwell, Wm. Larimer jr., L. Badolet, are hereby appointed Judges of election in the first ward, H. S. Rountree, A. Sagendorf and J. L. Smith, Judges of election in the second ward; and A. Chaplin, G. S. Allen jr., E. C. Tompkins, Judges of election in the third ward, whose duty it shall be to appoint two clerks of said election in each ward, the said Judges and clerks respectively, shall conduct said election in all respects as shall be provided by law for holding and conducting elections for county officers, excepting as is herein otherwise provided,"

Also, article 4, section 3, also insert this section: "In case any of the Judges herein appointed shall not attend, or decline to serve as such, the remaining Judge or Judges in each ward shall appoint some other elector to act in the place of the Judge or Judges so absent or declining to serve, each Judge and clerk shall severally take and subscribe an oath or affirmation to conduct said election according to law, and studiously to endeavor to prevent all fraud, deceit or abuse in conducting the same; said Judges and Clerks are hereby required to canvass the votes in their respective wards, in the night of or day succeeding the day of election, and after having set forth in such form as they shall determine all votes cast, and the number of votes for each person for the office of Alderman of said ward, they shall certify the person having the highest number of votes to be elected, who shall within three days thereafter be sworn and enter upon the duties of their office, said Judges and Clerks shall further certify all the votes cast for the offices of Mayor, Marshal and Police Magistrate, and the number of votes cast for each person for said offices, and thereupon shall enclose and seal

the same with the poll list and oaths or affirmations of the Judges and clerks,"

Also, article 4, section 4, insert also this section: "It shall be the duty of the Judges immediately upon completing the canvass in their respective wards, to select one of their number to meet a like Judge of the other wards in the first Wednesday of November next aftersaid election, to canvass the votes of each ward, and the persons receiving the highest number of votes in said several wards for the offices of Mayor, Marshal and Police Magistrate shall be duly declared elected to said several offices. In case two or more persons shall receive the same number of votes for either of said offices, the Alderman elected shall after being sworn and qualified as such, proceed to determine by lot, which person so receiving an equal number of votes, shall be sworn and enter upon the duties of their respective offices; should there be an equal number of votes cast in the first and second wards for three or more persons for the office of Alderman, or, in the third ward for two or more persons for the like office, the Alderman certified by the Judges to be elected shall on on the first meeting after being sworn, determine by lot which person so receiving an equal number of votes shall be sworn and enter upon the duties of said office."

Also, article five, section one:

Strike out section one, article five, and insert this section in its place:

"The City Council shall have power and authority annually to levy and collect taxes upon all property within said city, authorized by law to be assessed, not exceeding one half of one per cent. upon the value thereof, for the purpose of providing for the ordinary and current expenses of said corporation, as provided in this act, and and for no other purpose: the collection of said taxes may be enforced in the manner prescribed by law for the collection of taxes for county purposes."

Also,

Article five, section two—Striking out section two, article five, and insert this section in its place:

"All accounts and demands against the city, shall be first audited and allowed by the City Council before they shall be paid; and no accounts or demands shall be audited and allowed, nor shall any money be paid out of the city Treasury, except on the warrant of the Mayor, attested by the City Clerk."

Also,

Article five, section three—Insert this section:

"The city Clerk shall keep a book in which shall be entered all warrants drawn upon the Treasury of the city, the date of and amount of each warrant, the number of the same, beginning at one; the name of the person to whom the same shall be payable; and the date when the account or demand was audited and allowed; and if the warrant shall be authorized by the City Council to provide for any expense to be incurred after the date of the warrant; the purpose of such expense, in brief shall be stated thereon."

Also,

Article five, section four:

The City Council shall have authority to appoint all officers necessary and proper for executing any provisions of this act, or any ordinance enacted in pursuance of this act, except such as are herein elective; and shall define their duties and fix the salary or fees of all officers: *Provided*, That no fees shall be allowed higher than shall be prescribed by law for similar services to other officers in this Territory."

Also—Article five, section three:

Strike out after the word "Schools" in the eleventh (11) line, all the balance of section.

Also—Article five, section four: Amended by adding the words "hereafter accruing under this act."

Also—Article five, section eleven;

Amended by striking out said section and insert as follows, viz;
"To alter the boundaries of the several wards, and after two years from this date to erect additional wards."

Also,

Article five, section seventeen:

Amended by inserting after the word "auctioneers," the words "Saloon-keepers."

Also,

Article five, section thirty-seven:

Amended by inserting the word "license" in the third line between the words "to" and "suppress;" and strike out the word "and" between the word "suppress," and the word "restrain," and insert instead the word "or."

Also,

Article seven—Amended by striking out sections one, three, four and five, and insert as follows:

When it shall be necessary in the opinion of the City Council to take private property for opening, widening or altering any public street, lane, avenue or alley it shall be the duty of the Mayor to cause a jury of six disinterested persons, freeholders of the city, to view the premises and assess the damages, which, in the judgment of the jury, shall accrue to the owner or owners of the property to be taken for opening, widening or altering any street, lane, avenue or alley; it shall be the duty of the jury to inquire into and consider the benefits, if any there may be accruing to the party who shall own any lots or parts of lots sought to be taken for a public street, lane, avenue or alley and report the damage, if any, after deducting the benefits as aforesaid, to the Mayor, in writing, who shall lay the same before the City Council for their confirmation or rejection.

Also,

Article seven—Amended by inserting the following section:

It shall be the duty of the Common Council, if they shall confirm the finding of the jury to declare by resolution what lots in the vicinage of the lot or lots taken for public use or uses as aforesaid shall in their judgment be assessed for the purpose of paying the amount found to be due the owner of the lot or lots taken for public use as above mentioned; whereupon the Mayor shall

appoint a jury of six disinterested persons to assess the proportionate expense to each lot, having reference to the relative benefits accruing to each said lot by reason of opening, widening or altering said street, so declared by the Common Council to be assessed for the purpose aforesaid, and said jurors shall make their report to the Mayor in writing, who shall lay the inquest of said jurors before the City Council for their confirmation or rejection."

Also,

Article seven—Amended by inserting the following:

"The cost of the inquest of the jury, in both cases, as mentioned in the two preceding sections, shall be paid out of the City Treasury, and shall not exceed the like costs of juries in the the court of the Police Magistrate, in cases where juries are required to render services therein. Every juror serving on such service as is hereinbefore mentioned, shall, before he enters upon his duties as juror, take an oath or affirmation to execute the duty thereof according to his best judgment and ability, and a true inquest make therein."

Also, article 7,

Amended by an additional section, as follows:

"The City Council shall have power and authority to remove any house, building, or other improvements, erected in any street, lane, avenue, alley or open ground; or to remove any enclosure of any street, lane, avenue, alley or open ground, which, by maps of Denver City, as surveyed by E. D. Boyd, or of Auraria and Highland, so heretofore called and known, were to be known and kept as public streets, lanes, avenues, alleys or open ground; and the City Council may, by ordinance, provide for the punishment of all persons who shall, in any way, obstruct the public streets, lanes, avenues, alleys or open ground, intended, as shall appear by the maps of said city, to be given to the public use."

Also, strike out, in article 8, sections one and two.

Also, article 8, section 7, amended by striking out the words "real and personal," in first line.

Also, strike out, in article 8, all of section 8.

Also,

Article 8, section 16,

Amended by striking out the word "one," between "each" and "dollar," in next to last line, and insert "five."

Also, article 8,

Amended by adding the following as an additional section, viz:

"The Police Magistrate shall have jurisdiction in all cases of violation of the city ordinances, and shall have the same jurisdiction in all civil and criminal proceedings as is now, or shall hereafter be, conferred upon other Justices of the Peace of the Territory; and in all courts of this Territory said Police Magistrate shall be held to be a Justice of the Peace; but no change of venue shall be allowed from said Police Magistrate to any other Justice of the Peace, for hearing and determination in any case where proceedings shall be commenced against any person or persons for the violation of any city ordinance."

Also, article 8,

Amended by an additional section, as follows:

"This act shall take effect and be in force from and after its passage."

C. W. MATHER, Chairman.

Report received.

The committee on Enrolled and Engrossed bills, have examined C B No. 42, a bill for "An act to incorporate the Colorado and Pacific Wagon, Telegraph and Railroad Company," and Report the same back as correctly engrossed.

C. W. MATHER, Chairman.

Report received.

C B No. 39, a bill for "An act to incorporate St. John's Church, in Denver," was taken up.

Mr Steck offered an amendment, which was adopted. Bill was Read third time.

Passed.

Title amended,

So as to read, "An act to incorporate St. John's Church in the Wilderness."

H B No. 50, a bill for "An act to prevent and punish resistance to officers," was taken up.

On motion of Mr Colby, Messrs Steck, Robbins and Parker were appointed a committee of conference, to meet a like committee of the House, on the bill.

The committee to whom was referred

H B No' 107, a bill for "An act relating to counties and county officers," have had the same under consideration, and report the same back with the following amendment, to-wit:

By adding an additional section to article 10, reading as follows: "Whenever any Justice of the Peace shall be required to act as Coroner in any case; or any Coroner shall be required to act as Sheriff; or any other officer in this Territory shall be required to perform any duty belonging to any other officer, he shall, for the time being, have the same powers, in respect to that duty, as are given by law to the officer whose duties he shall perform, and shall be entitled to receive the same compensation for his services.

R. B. WILLIS, Chairman.

Report received.

On motion of Mr Steck,

Council went into committee of the Whole on the general file.

Mr Steck in the chair.

Committee rose, and made the following report:

The committee of the Whole respectfully report that they have had under consideration various bills, and recommend to the Council the disposition thereof, as follows:

H B No. 49, a bill for "An act for the establishment of Police Magistrates' courts in towns and cities," is recommended to be indefinitely postponed. Also,

H B No. 97, a bill for "An act creating a lien in favor of mechanics, in certain cases." Also,

H B No. 120, a bill for "An act concerning aliens." Also,

H B No. 118, a bill for "An act to provide for a stay of proceedings on foreign indebtedness." Also,

H B No. 43, a bill for "An act to provide for recording contracts relative to lands, and for other purposes." Also,

H B No. 19, a bill for "An act concerning practice in civil cases."

H B No. 129, a bill for "An act concerning oaths and affirmations,"

Are recommended to be passed without amendment.

The committee have also considered

C B No. 45, a bill for "An act to protect the rights of married women," and recommend its passage by the Council.

They further report, that they have amended

H B No. 107, a bill for "An act relating to counties and county officers," by adding as section 7, to article 10, of said bill, the following:

"Whenever any Justice of the Peace shall be required to act as Coroner, in any case; or any Coroner shall be required to act as Sheriff; or any other officer in this Territory shall be required to perform any duty belonging to any other officer, he shall, for the time being, have the same powers, in respect to that duty, as are given by law to the officer whose duty he shall perform, and shall be entitled to receive the same compensation for his services."

Your committee have also amended

C B No. 46, a bill for "An act to protect mining claims and property of soldiers," by adding to section 1, of said bill, the following:

"*Provided, however,* such soldier shall file in the office of the Recorder of the mining district in which such claims are located, a list of the same, signed with his name,"

And recommend the bill, as amended, to the favorable action of the Council.

The committee have also considered

H B No. 56, a bill for "An act to protect and regulate the irrigation of lands," and recommend that it pass. Also,

H B No. 36, A bill for "An act concerning imprisonment for debt," has been under consideration, and amended by inserting before the word "debt," in next to last line, in first section, between the word "debt" and the word "in," the words "upon any contract, express or implied," and with this amendment recommend its passage. Also,

J M N 2, Joint memorial asking Congress to establish a United-States Mint at Denver." Also,

H B No. 119, a bill for "An act concerning jurors,"

And amended the same by striking out the word "twelve," in the fourth line of section 2, and inserting instead thereof, the words "sixteen;" also, striking out the word "nine," in seventeenth line

from top of page, in same section, and inserting the word "twelve," instead. Also,

H B No. 58, a bill for "An act to incorporate the Swan River and Georgia Gulch water company," and amended the same by adding to section two, the following:

"*Provided*, That the privileges herein granted, are not to be construed to authorize said company, in any way, to interfere with the mining privileges and rights, already acquired by David Barnes, by occupation and use, on said Swan River; or to authorize said company to divert the water of said Swan River from the mill of said Barnes, now on said river, and to his injury; and,

Also, amended section 5, by striking out the words "fifty cents an inch," and inserting the words "seventy-five cents per inch, under a head of five inch pressure, for each clear issue for twelve hours or one day; and for the use of the same water second-hand, fifty cents for each twelve hours or one day; and for the use of the same water third-hand, or all subsequent use, twenty-five cents per inch for each and every twelve hours: and for the night, shall not exceed one-half the above rates.

AMOS STECK, Chairman.

Report received.

On motion, Council adjourned.

AFTERNOON SESSION.

Council met.

President in the chair.

A quorum present.

Mr Graham moved that

H B No. 135, a bill for "An act authorizing the United States' Marshal to serve process in certain cases," be indefinitely postponed. Carried.

Message from the House of Representatives.

HOUSE OF REPRESENTATIVES, }
October 30, 1861. }

To the President of the Council:

I am instructed to inform the Council that the House has passed the following bills:

H B No. 158, a bill for "An act concerning licenses;" also,

H B No. 160, a bill for "An act concerning guardian and ward," and the concurrence of the Council is respectfully requested.

F. H. PAGE, Chief Clerk.

H B No. 11, a bill for "An act to locate the seat of government of Colorado Territory," made the special order for this afternoon, was taken up.

Mr Steck moved that action on the bill be postponed until Friday.
Ayes and nays were demanded.

Ayes—Messrs. Colby, Mather, Parker, Robbins and Steck—5.

Nays—Messrs. Francisco, Graham, Willis and Mr. President—4.
Carried.

Mr Robbins moved a reconsideration.

Ayes and nays demanded.

Ayes—Messrs. Francisco, Parker, Robbins, Steck, Willis and Mr President—6.

Nays—Messrs. Colby, Graham and Mather—3. Carried.

Mr Robbins moved that further consideration be postponed until Thursday afternoon. Carried.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
October 30, 1861. }

To the President of the Council:

I am instructed to inform the Council that the House refuses to concur in Council amendment to

H B No. 87, a bill for "An act to organize and establish the Treasury Department."

F. H. PAGE. Chief Clerk.

Mr Willis moved that the Council insist on its amendment to H B No. 87, a bill for "An act to organize and establish the Treasury Department." Carried.

On motion of Mr Willis,
Messrs. Parker, Colby and Francisco were appointed a committee of conference on the bill.

H B No. 97, a bill for "An act creating a lien in favor of mechanics in certain cases."

Read third time.

Passed.

Title agreed to.

H B No. 120, a bill for "An act concerning aliens."

Read third time.

Passed.

Title agreed to.

On motion of Mr. Robbins,

H B No. 118, a bill for "An act to provide for stay of proceedings on foreign indebtedness," was amended in section 1, by striking out the word "five," and inserting the word "two" in its place.

Read third time.

Passed.

Mr Robbins moved to amend the title so as to read "An act to prevent the collection of just debts."

Ayes and nays demanded.

Ayes—Messrs. Mather and Willis—2.

Nayes—Messrs. Colby, Francisco, Graham, Parker, Robbins, Steck and Mr President—7. Lost.

Mr Robbins moved that the vote on adopting the amendment to the title be reconsidered.

Ayes and nays demanded.

Ayes—Messrs. Colby, Graham, Robbins and Willis—4.

Nays—Messrs. Francisco, Mather, Parker, Steck and Mr President—5. Lost.

Mr Graham moved to reconsider the vote on the passage of the bill.

Ayes and nays demanded.

Ayes—Messrs Colby, Francisco, Graham, Mather, Robbins and Willis—6.

Nays—Messrs Parker and Steck—2. Carried.

Mr Colby moved to amend the bill by striking out the words "five years," whenever they occur, and inserting the words "two years" instead.

Carried.

Mr Robbins moved that the bill be postponed.

Ayes and nays demanded.

Ayes—Messrs Colby, Francisco, Mather, Robbins and Willis—5.

Nays—Messrs Graham, Parker and Mr President—3. Carried.

H B No 43, a bill for "An act to provide for recording contracts relative to lands, and for other purposes."

Read third time.

Passed. Title agreed to.

H B No 19, a bill for "An act concerning practice in civil cases."

Read third time.

Passed. Title agreed to.

H B No 129, a bill for "An act concerning oaths and affirmations."

Read third time.

Passed. Title agreed to.

C B No 45, a bill for "An act to protect the rights of married women," was taken up.

Mr Steck moved that the amendments of the committee of the Whole be adopted. Carried.

Bill was read third time.

Passed as amended Title agreed to.

On motion, amendments made by committee of the Whole to

C B No 46, a bill for "An act to protect the Mining claims and property of soldiers," were adopted.

Read third time.

Bill passed as amended.

Title agreed to.

On motion, amendments made by the committee of the Whole to H B No 36, a bill for "An act concerning imprisonment for debt," were adopted.

Bill was read third time.

Passed as amended

Title agreed to.

J M No 2, "Memorializing Congress to establish a United States Mint at Denver."

Read third time.

Passed.

Title agreed to.

H B No 119, a bill for "An act concerning jurors," amended in committee of the Whole, was taken up.

On motion amendments were adopted.

Bill was read third time.

Passed, as amended.

Title agreed to.

On motion,

H B No 49, a bill for "An act for the establishment of Police Magistrates' Courts in towns and cities," was indefinitely postponed.

H B No 56, a bill for "An act to protect and regulate the irrigation of lands,"

Read third time.

Passed.

Title agreed to.

On motion Council adjourned until 9 o'clock A. M. to-morrow.

COUNCIL CHAMBER, }
Thursday, October 31, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Absent—Mr Robbins.

The committee on Incorporations report

H B No 29, a bill for "An act to incorporate the Camp Weld and Denver Ditch and water Company." Also,

C B No 49, a bill for "An act to incorporate the Arkansas Hydraulic and Milling Company," back to the Council, and recommend their consideration by the committee of the Whole.

A. U. COLBY, Chairman.

Report received.

The committee on Judiciary, to whom was referred

H B 105, a bill for "An act concerning legal advertisements."

Also—H B No 123, a bill for "An act concerning joint rights and obligations." Also,

H B. No. 136, a bill for "An act concerning county Jails,"

Respectfully report them to the Council, with the recommendation that they pass without amendment.

Your committee also report:

H B No. 126, a bill for "An act concerning injunctions," and

H B No. 106, a bill for "An act concerning divorce and alimony," and recommend their reference to committee of the Whole.

H B No. 134, a bill for "An act concerning bonds in certain cases,"

has also been under consideration, and is referred to committee of the Whole.

AMOS STECK, Chairman.

Report received.

The committee to whom was referred,

H B No. 130, a bill for "An act to provide for vacancies in the Legislature,"

Report the same back, and recommend that it be referred to committee of the Whole.

H. F. PARKER, Chairman.

Report received.

The committee to whom was referred

H B No. 124, a bill for "An act to prevent the introduction of animals for the purpose of grazing within certain limits,"

Have had the same under consideration, and respectfully recommend its passage without amendment.

J. M. FRANCISCO, Chairman.

Report received.

The resolution of Mr. Parker, which laid over under the rules, reading as follows:

Resolved, That no bills of a private nature be considered in the Council after the 3rd of November,

Was taken up, and adopted.

Mr Mather introduced,

C B No. 50, a bill for "An act to incorporate the Vasquez River Mining Company,"

Read first time.

H B No. 146, a bill for "An act concerning arbitrations and awards,"

Read first time.

H B No. 147, a bill for "An act relating to the commitment of prisoners,"

Read first time.

H B No. 149, a bill for "An act supplementary to an act entitled an act concerning judgments and executions,"

Read first time.

H B No. 148, a bill for "An act concerning line fence,"

Read first time.

H B No. 158, a bill for "An act concerning licenses,"

Read first time.

H B No. 160, a bill for "An act concerning guardian and ward,"

Read first time.

On motion,

Rules were suspended, and

H B No. 148, a bill for "An act concerning line fence," was

Read second time,

And referred to committee on Agriculture, also,

H B No. 147, a bill for "An act relating to the commitment of prisoners," was

Read second time,
And referred to committee on Judiciary, also,
H B No. 146, a bill for "An act concerning arbitrations and awards,"
Was read second time,
And referred to committee on Judiciary, also,
H B No. 149, a bill for "An act supplementary to an act entitled
an act, concerning judgments and executions," was
Read second time,
And referred to committee on Judiciary, also,
H B No. 158, a bill for "An act concerning licenses," was
Read second time,
And referred to committee on Finance, Ways and Means, also,
H B No. 160, a bill for "An act concerning guardian and ward,"
Was read second time,
And referred to committee on Judiciary.

The following bills were acted upon :

H B No. 99, a bill for "An act granting the exclusive right to
Joseph M. Jacques and Joseph V. Garcia to maintain a ferry across
the Rio Grande at Paso Del Puerto,"

Read second time,

And referred to committee on Highways and Bridges.

H B No. 138, a bill for "An act to provide for elections within
the limits of military posts,"

Read second time,

And referred to committee on Elections.

H B No. 31, a bill for "An act incorporating the Tarryall and
Arkansas River Road Company,"

Read second time,

And referred to committee on Incorporations.

H B No. 85, a bill for "An act to incorporate the St. Vrain
Bridge Company,"

Read second time,

And referred to committee on Highways and Bridges.

H B No. 64, a bill for "An act incorporating the Park Junction,
Georgia and French Gulch Road Company,"

Read second time,

And referred to committee on Highways and Bridges.

H B No. 91, a bill for "An act to incorporate the Altonia Town,"

Read second time,

And referred to committee on Incorporations.

H B No. 93, a bill for "An act to incorporate the St. Vrain, Altonia,
Boulder Mines and Gregory Road Company,"

Read second time,

And referred to committee on Highways and Bridges.

H B No. 86, a bill for "An act to incorporate Canon City,"

Read second time,

And referred to committee on Incorporations.

H B No. 90, a bill for "An act to incorporate the City of Pueblo,"

Read second time,

And referred to committee on Incorporations.

H B No 94, a bill for "An act concerning the constructions of statutes,"

Read second time,

And referred to committee on Judiciary.

H B No. 51, a bill for "An act to incorporate the Boulder City Lumbering Company,"

Read second time, and

Referred to committee on Incorporations.

H B No. 155, a bill for "An act concerning dower,"

Read second time, and

Referred to committee on Judiciary.

On motion,

Amendments of committee of the Whole to

H B No. 58, a bill for "An act to incorporate the Swan River and Georgia Gulch Ditch Company,"

Were adopted.

Bill read third time,

Passed.

Title agreed to.

On motion, rules were suspended, and

C B No. 50, a bill for "An act to Incorporate the Vasquez River Mining Company,"

Read second time, and

Referred to committee on Incorporations.

Message from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY, }
Denver, October 31st, 1861. }

To the President of the Council:

SIR: I have approved and signed acts entitled, An act concerning descents and distributions. An act to regulate and establish the rates of charges for publication of legal advertisements. An act concerning fraudulent conveyances and contracts, relative to real and personal property. An act concerning bills of exchange and promissory notes.

Very respectfully,

WILLIAM GILPIN,
Governor of Colorado Territory.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
October 31, 1861. }

Hon. President of the Council:

I am instructed to inform the Council, that the House refuses to concur in the following amendments to

H B No. 108, a bill for "An act regulating election,"

To-wit: Addition to section 1,

"*Provided*, That no officer or soldier, or other person in the regular army of the United States, or attached to regular troops in the service of the United States, shall be allowed to vote in this Territory; and provided, further, that no volunteer officers or soldiers of this Territory, in active camp or service, except volunteer officers and soldiers in service as Home Guards, and officers of the Governor's staff shall vote at any election in this Territory, except for Territorial officers;" also to amendment striking out first section No. 33, of duplicate section No. 33, and does concur in the following amendments, to wit:

In section 1, 6th line, striking out the word "they" and inserting the word "he," also, in last line, inserting the word "the;" In section 2, 6th line, inserting the word "who;" In section 3, 8th and 9th lines, striking out the words, "Territorial Superintendent of Common Schools;" In section 4, 5th line, striking out the words "Territorial Superintendent of Common Schools;" also in 20th line, inserting the words, "October and November," in place of the words, "November and January;" In section 10, 2nd line, inserting the word, "July," in the place of the word "September," also, in the 3rd line, striking out the words "Territorial Superintendent;" In section 11, 2nd line, striking out the word "Territorial Superintendent;" In section 12, 2nd line, inserting the word "July," in the place of the word "September;" In section 16, 6th line, inserting the word "Board" in place of the word "Court;" in section 18, striking out all after the word "filled," in fourth line, to the word "by," in 14th line; In section 25, 2nd line, inserting the word "act," in the place of the word "Chapter;" In section 26, 11th line, inserting the word "three" in place of the word "six;" In section 30, striking out the words "Superintendent of Common Schools, Auditor and Treasurer;" In section 34, 3rd line; inserting the words, "the same, or by some safe conveyance;" In section 43, 3rd line, inserting the word "April" for the word "July;" In section 47, recommendation not to adopt the additions made by the House.

F. H. PAGE, Chief Clerk.

On motion,
Council adjourned.

AFTERNOON SESSION.

Council met.

President in the chair.

A quorum present.

On motion, Council went into committee of the Whole on the General File.

Mr Graham in the chair.

Committee rose and made the following report:

The committee of the Whole have had under consideration the following bills, and report the same as follows:

C B No. 8, a bill for "An act to incorporate the Eldorado mining company,"

Amended by striking out the figures "\$250,000," and inserting instead the figures "\$10,000;" also, striking out the figures "\$500,000," and inserting instead the figures "\$25,000;" also, striking out the words "continued succession," and inserting the words "the full term of ten years" instead; and with these amendments, recommend its passage.

C B No. 15, a bill for "An act to incorporate the Silver Spring mining company,"

Amended by striking out all after the word "steam," in section 5.

H B No. 149, a bill for "An act supplementary to an act entitled An act concerning judgments and executions," without amendment, and recommend its passage.

H B No. 128, a bill for "An act concerning fugitives from justice," with amendment to section 3.

H B No. 124, a bill for "An act to prevent the introduction of animals, for the purpose of grazing, within certain limits," without amendments.

H B No. 106, a bill for "An act concerning divorce and alimony," with the recommendation that it be referred to committee on Judiciary, with instructions to report a substitute.

H B No. 126, a bill for "An act concerning injunctions," without amendment, and recommend its passage.

H B No. 136, a bill for "An act concerning county jails," without amendment, and recommend its passage.

H B No. 105, a bill for "An act concerning legal advertisements," without amendment, and recommend its passage.

H B No. 123, a bill for "An act concerning joint rights and obligations," without amendment, and recommend its passage.

H B No. 130, a bill for "An act to provide for vacancies in the Legislature,"

Amended by striking out the words "General and in" in the second line of first section, and inserting the words "Legislative and during."

H B No. 29, a bill for "An act to incorporate the Camp Weld and Denver Ditch and Water Company."

Amended by striking out the words "C. M. Curtis," and "City of Denver," and by adding additional section, No. 9, to read as follows:

"The capital stock of said company shall be twenty-four thousand dollars, to be divided into shares of not less than one hundred dollars each,"

And by numbering the last section 10.

H. J. GRAHAM, Chairman.

Report received.

Mr Mather moved that the amendments made, in committee of the Whole, to

H B No. 11, a bill for "An act to locate the seat of government of Colorado," be stricken out.

Ayes and nays demanded.

Ayes—Messrs. Graham, Mather and Steck—3.

Nays—Messrs. Colby, Francisco, Parker, Robbins, Willis and Mr President—6. Lost.

Mr Willis moved a substitute for the report of the committee, as follows:

Strike out the word "Denver" and insert the word "Colorado" in its place.

Also, strike out the word "south" and insert the word "east."

Also, strike out all of section 1 after the word "bank," and insert the words "of the Fontaine qui Bouille, at the mouth of Camp Creek."

Also, strike out, in section 2, the word "incorporate," and insert the word "surveyed" in its place.

Also, strike out the words "City of Denver," and insert the words "Town of Colorado" in its place.

Also, strike out the words "City of Denver," wherever they may occur, and insert instead the words "Town of Colorado."

Mr Mather moved to lay the substitute on the table.

Ayes and nays demanded.

Ayes—Messrs. Graham, Mather and Steck—3.

Nays—Messrs. Colby, Francisco, Parker, Robbins, Willis and Mr President—6. Lost.

Question recurring on adopting the substitute of Mr Willis,

Mr Steck moved a division of the question.

Ayes and nays demanded upon striking out the words "City of Denver."

Ayes—Messrs. Colby, Francisco, Parker, Robbins, Willis and Mr President—6.

Nays—Messrs. Graham, Mather and Steck—3. Carried.

Mr Robbins moved to insert the word "Colorado" in the blank.

Ayes and nays demanded.

Ayes—Messrs. Colby, Francisco, Parker, Robbins, Willis and Mr President—6.

Nays—Messrs. Graham, Mather and Steck—3. Carried.

On motion, the word "south" was stricken out, and the word "east" was inserted.

On motion, all after the word "bank," in first section, was stricken out, and the words "Fontaine-qui-Bouille," at the mouth of Camp Creek," were inserted.

On motion, section 2 was amended by striking out the word "incorporate," and inserting in lieu the word "surveyed."

Upon the question,

Shall the words "City of Denver" be stricken out?

Ayes and nays were demanded.

Ayes—Messrs Colby, Francisco, Parker, Robbins, Willis and Mr President—6.

Nays—Messrs Graham, Mather and Steck—3. Carried.

Upon the question,

Shall the words “town of Colorado,” be inserted?

Ayes and nays demanded.

Ayes—Messrs Colby, Francisco, Robbins, Willis and Mr President—5.

Nays—Messrs Graham, Mather, Parker and Steck—4. Carried.

On the question upon striking out the words “City of Denver,” wherever they occur,

Ayes and nays demanded.

Ayes—Messrs Colby, Francisco, Robbins, Willis and Mr President—5.

Nays—Messrs Graham, Mather, Parker and Steck—4. Carried.

Upon the question,

Shall the words “City of Denver” be stricken out wherever they occur, in the remainder of the bill, and the words “town of Colorado” be inserted?

Ayes and nays demanded.

Ayes—Messrs Colby, Francisco, Robbins, Willis and Mr President—5.

Nays—Messrs Graham, Parker and Steck—3. Carried.

Mr Steck moved that the bill be indefinitely postponed.

Ayes and nays demanded.

Ayes—Messrs Mather and Steck—2.

Nays—Messrs Colby, Francisco, Graham, Parker, Robbins, Willis and Mr President—7. Lost.

Mr Steck moved that the bill be laid upon the table.

Ayes and Nays demanded.

Ayes—Messrs Mather and Steck—2.

Nays—Messrs Colby, Francisco, Graham, Parker, Robbins, Willis and Mr President—7. Lost.

Mr Mather moved that the Council adjourn. Lost.

Mr Steck moved that further consideration of the bill be postponed, and made the special order for Monday, at 2 o'clock.

Ayes and nays demanded.

Ayes—Messrs Graham, Mather, Parker and Steck—4.

Nays—Messrs Colby, Francisco, Robbins, Willis and Mr President—5. Lost.

Mr Robbins moved that the bill be read third time.

Ayes and nays demanded.

Ayes—Messrs Colby, Francisco, Parker, Robbins, Willis and Mr President—6.

Nays—Messrs Graham, Mather and Steck—3. Carried.

Bill read time.

Mr Steck moved that the words “town of Colorado be stricken out wherever they occur.

Mr Parker moved to amend by inserting the words "Central City."

Ayes and nays demanded.

Ayes—Messrs Mather, Parker and Steck—3.

Nays—Messrs Colby, Francisco, Graham, Robbins, Willis and Mr President—6. Lost.

Mr Graham moved that the word "Colorado" be stricken out, and the words "St. Vrain" be inserted. Lost.

Mr Mather moved to strike out the words "Colorado City," and insert the words "Golden City." Lost.

Ayes and nays demanded on the passage of the bill.

Ayes—Messrs Colby, Francisco, Robbins, Willis and Mr President—5.

Nays—Messrs Graham, Mather, Parker and Steck—4.

Bill passed, as amended.

Title agreed to.

Mr Robbins moved to reconsider the vote on the passage of the bill.

Mr Colby moved that the motion be laid upon the table.

Ayes and nays demanded.

Ayes—Messrs Colby, Francisco, Willis and Mr President—4.

Nays—Messrs Graham, Mather, Parker, Robbins and Steck—5. Lost.

Mr Mather moved that the Council adjourn.

Ayes and nays demanded.

Ayes—Messrs Mather and Steck—2.

Nays—Messrs Colby, Francisco, Graham, Parker, Robbins, Willis and Mr President—7. Lost.

Question recurring on the motion to reconsider the vote on the passage of the bill.

Ayes and nays demanded.

Ayes—Messrs Colby, Francisco, Mather, Parker, Robbins, Steck and Willis—7.

Nays—Mr Graham, and Mr President—2. Carried

Mr Robbins moved that the name of Edwin H. Brown, of Central City, be stricken out, and the name of E. B. Cozens, of Pueblo, be inserted. Carried.

Mr Mather moved that the name of J. M. Holt be stricken out, and the name of Daniel Corbin be inserted. Lost.

On motion of Mr Robbins,

Bill passed as amended.

Title agreed to.

On motion Council adjourned until 7 o'clock P. M.

EVENING SESSION.

Council met.

President in the chair.

A quorum present.

Mr Colby moved to reconsider the resolution of Mr Parker, adopted to-day, reading as follows:

Resolved, That no bills of a private nature be introduced in the Council after the third of November. Carried.

Mr Colby offered the following resolution:

Resolved, That no bill of a private nature shall be introduced into this Council after the 2nd of November, except bills from the House.

On motion, rules were suspended, and resolution adopted.

Remonstrance of J. B. Doyle and others, praying that the Hon. B. F. Hall, Associate Justice, may not be removed from the first Judicial District, was introduced and read.

Messages from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
October 31, 1861. }

Hon. President of the Council:

I am instructed to inform the Council that the House has passed the following bills:

H B No 112, a bill for "An act relating to the General Assembly."

H B No 137, a bill for "An act concerning mining and other claims."

H B No 161, a bill for "An act to regulate proceedings on writs of Mandamus."

H B No 162, a bill for "An act concerning proceedings in cases of Quo Warranto."

H B No 169, a bill for "An act to provide for the removal of improvements, in certain cases."

H B No 176, a bill for "An act to prevent Ranchmen and Stable-keepers from using stock, left with them, without the consent of the owners."

H B No 178, a bill for "An act relating to the construction of private charters."

H B No 113, a bill for "An act to provide for the time of meeting of the Legislature," and your concurrence is respectfully requested.

Also—C B No 23, a bill for "An act to provide for limitation of actions."

F. H. PAGE, Chief Clerk.

Committee on Highways and Bridges, to whom was referred,

H B No 99, a bill for "An act granting the exclusive right to Joseph M. Jacques and Joseph V. Garcia, to maintain a ferry across the Rio Grande, at Paso del Puerto," have had the same under consideration, and recommend that it pass.

H. J. GRAHAM, Chairman.

Report received.

The committees on Highways and Bridges, to whom was referred,

H B No 85, a bill for "An act to incorporate the St. Vrain Bridge Company," and

H B No 92, a bill for "An act 'to incorporate the Bear Canon Road Company," report the same back, and ask that they be referred to a special committee.

H. J. GRAHAM, Chairman.

Report received.

Notice of bill.

By Mr Willis—A bill for "An act granting to Charles Autbees the exclusive right to a ferry across the Arkansas River, at the mouth of the Huerfano."

On motion, Council went into committee of the Whole on the general file,

Mr Parker in the chair.

Committee rose and made the following report:

The committee of the Whole have had under consideration.

C B No 41, a bill for "An act to Incorporate the Bank of Colorado," report the same back, and recommend that it pass with the following amendment, to-wit:

Striking out the words, "and may be increased by a majority vote of the stock-holders, at any annual election of the Company."

H. F. PARKER, Chairman.

Report received.

On motion Council adjourned.

COUNCIL CHAMBER,
Friday, November 1st, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

A quorum present.

Absent—Messrs Steck, Francisco and Robbins.

Journal read and approved.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES,
October 31st, 1861. }

To the President of the Council:—

I am instructed to inform the Council that the House has passed the following bills.

H B No. 133, a bill for "An act to change the name of Gaudaloupe County to Conejos County,"

H B No. 143, a bill for "An act to incorporate the Grand City Town Company,"

H B No. 150, a bill for "An act to establish the University of Colorado,"

H B No. 171, a bill for "An act to incorporate the Georgia Bar and Arkansas River Fluming Company,"

H B No. 174, a bill for "An act to incorporate the Platte City Ditch Company,"

H B No. 177, a bill for "An act to Incorporate the Canon City, Grand River and San Juan Road Company,"

And the concurrence of the Council is respectfully requested.

F. H. PAGE, Chief Clerk.

On motion,

Messrs Mather, Steck and Graham were appointed a committee of conference to meet a like committee from the House, to consider,

H B No. 106, and C B No. 51, bills for "An act concerning divorce and alimony,"

The following bills were

Read first time.

H B No. 113, a bill for "An act fixing the time of meeting of the Legislature."

H B No. 112, a bill for "An act relating to the General Assembly."

H B No. 137, a bill for "An act concerning mining and other claims."

H B No. 178, a bill for "An act relating to the construction of private charters."

H B No. 161, a bill for "An act to regulate proceedings on writs of mandamus."

H B No. 162, a bill for "An act concerning proceedings on writs of quo warranto."

H B No. 160, a bill for "An act concerning guardian and ward."

H B No. 176, a bill for "An act to prevent ranchmen and stable-keepers from using stock left with them, without the consent of the owners."

H B No. 171, a bill for "An act to incorporate the Georgia Bar and Arkansas River Fluming Company."

H B No. 150, a bill for "An act to establish the University of Colorado."

H B No. 174, a bill for "An act to Incorporate the Platte City Ditch Company."

H B No. 177, a bill for "An act to Incorporate the Canon City, Grand River and San Juan Road Company."

On motion.

H B No. 143, a bill for "An an act to Incorporate the Grand City Town Company,"

Was indefinitely postponed.

H B No. 133, a bill for "An act to change the name of Guadalupe County to Conejos County,"

Read first time.

H B No. 158, a bill for "An act concerning licenses,"

Read second time,

And referred to committee on Finance, Ways and Means.

H B No. 118, a bill for "An act to provide for stay of proceedings on foreign indebtedness,"

Was taken up.

Mr. Steck moved to amend the bill by striking out the words, "two years," and inserting instead, the words "five years,"

Carried.

Bill was read third time.

Mr. Colby moved that the Council adjourn.

Ayes and nays demanded.

Ayes—Messrs Colby and Willis—2.

Nays—Messrs Graham, Mather, Parker, Steck and Mr President—5.

Lost.

Mr Steck moved that the bill be put on its passage.

Ayes and nays demanded.

Ayes—Messrs Graham, Mather, Parker, Steck and Mr President—5.

Nays—Messrs Colby and Willis—2.

Bill passed.

Mr. Colby moved that the Council adjourn.

Ayes and nays demanded.

Ayes—Messrs Colby and Willis—2.

Nays—Messrs Graham, Mather, Parker, Steck and Mr President—5.

Lost.

Mr Colby moved to lay the bill on the table.

Ayes and nays demanded.

Ayes—Messrs Colby and Willis—2.

Nays—Messrs Graham, Mather, Parker, Steck and Mr President—5.

Lost.

Mr Colby moved a call of the Council.

Ayes and nays demanded.

Ayes—Messrs Colby, Robbins, and Willis—3.

Nays—Messrs Graham, Mather, Parker, Steck and Mr President—5.

Lost.

Question recurring on the title.

Mr Robbins moved to amend so as to read

"An act to prohibit the collection of just debts in this Territory."

Ayes and nays demanded on adopting the amendment.

Ayes—Messrs Colby, Robbins and Willis—3.

Nays—Messrs Graham, Mather, Parker, Steck and Mr President—5. Lost.

Mr Robbins moved to adjourn.

Ayes and nays demanded.

Ayes—Messrs Colby, Robbins and Willis—3.

Nays—Messrs Graham, Mather, Parker, Steck and Mr President—5.

Lost.

Mr Steck called for the previous question.

Ayes and nays demanded.

Ayes—Messrs Graham, Mather, Parker, Steck and Mr President—5.

Nays—Messrs Colby and Robbins—2.

Title agreed to.

On motion, Council adjourned.

AFTERNOON SESSION.

Council met.

President in the chair.

A quorum present.

On motion of Mr Graham, Messrs Mather, Parker and Willis were appointed a special committee on

H. B. No 92, a bill for "An act to incorporate the Bear Canon Road Company." and

H. B. No 85, a bill for "An act to incorporate the St. Vrain Bridge Company."

Mr Colby presented petition of D. S. Davis and others, of Spanish Bar, praying for the confirmation of Miner's Courts and Recording offices, which was read, and on motion, referred to committee on Judiciary.

C. B. No 52, a bill for "An act granting exclusive right to Charles Autbees to maintain a ferry across the Arkansas River."

Read second time and referred to committee on Highways and Bridges.

On motion, rules were suspended, and Mr Robbins introduced

C. B. No 53, a bill for "An act to incorporate the Blue River Mining Company."

Read first time.

The committee on Highways and Bridges, have had under consideration.

H. B. No 64, a bill for "An act incorporating the Park Junction, Georgia and French Gulch Road Company," and recommend its passage. Also,

H. B. No 93, a bill for "An act to incorporate the St. Vrain, Altonia, Boulder Mines and Gregory Road Company," and amended the same by adding section nine, and recommend its passage. Also,

C. B. No 52, a bill for "An act granting exclusive right to Charles Autbees to maintain a ferry across the Arkansas River," and recommend its passage.

H. J. GRAHAM, Chairman.

Report received.

On motion Council went into committee of the Whole on the General File.

Mr Colby in the Chair.

Committee rose and made the following report;

The Committee of the whole have had under consideration

H. B. No 99, a bill for "An act granting exclusive right to Joseph

M. Jacques and Joseph V. Garcia, to maintain a ferry across the Rio Grande at Paso del Puerto," and report the same back and recommend its passage. Also, recommend C B No 47, to the favorable action of the Council. Also have amended

C B No 43, a bill for "An act to incorporate the Breckinridge Buckskin Joe and Hamilton Wagon Road Company," by inserting the names of B. C. Brooks and T. J. Pollock in section one, and recommend its passage. Also, have amended,

C B No 44, a bill for "An act to incorporate the Spanish Bar Wagon Road Company," by striking out in section three, the words "two years" and inserting in lieu the words "five years," and by inserting the words "at Cook's House" before the words "at the head of Owen's Bar," in section three, line four; and inserting the words "to Edward's House," in section three, line six, after the words "Fall River;" inserting the words "one at Cook's House," in section five, second line. Also, inserting the words "one at the junction of Fall River and South Clear Creek," in section five, second line, after the words "two toll gates;" also, adding to section five as follows:

Provided, however, That only one-half of the amount of tolls herein specified shall be collected from teams or single stock going to or from Trail Creek from either end of said road.

Also—amended section eight, by striking out the words "one thousand" and inserting the words "five hundred." Also, report back—J. M. No 4, "Joint Memorial relative to a Territorial Seal," and recommend its passage. Also report back,

C B No. 49, a bill for "An act to incorporate the Arkansas Hydraulic and Milling Company," and recommend its passage.

Also report back,

H B No. 125, a bill for "An act to establish a Territorial library and cabinet," and recommend its passage.

Also recommend that

H B No. 34, a bill for "An act concerning bonds, in certain cases," be laid upon the table. Also have amended

H B No. 88, a bill for "An act to provide for the collection of the revenue," as follows:

In section 1, by substituting the words "Board of County Commissioners," in the place of the words "County Court," in this and succeeding sections, wherever they occur.

In sections 18 and 19, by striking out the words "mining claims," wherever they occur. Also, in same section, striking out the words "number and value of mining claims," and amending fourth line in same clause so as to read "the value of improvements on ranch and farming claims;" also amending section 19, by inserting after the words "census board," the words "which shall consist of the County Commissioners, County Clerk and Treasurer;" also striking out the words "County Judge," and inserting the words "County Clerk;" also amending section 39, by striking out all between the words "taxation" and "Treasurer," in third line, and inserting the words "To attend in each township or district at the time and place appointed by the;" also amending section 35, by adding as follows:

"It shall be the duty of the collector of taxes to visit each township or district in his county, to receive and receipt for taxes, and the taxes shall also be all collected and returned to the Territorial Treasurer's office, before the 15th day of June."

A. U. COLBY, Chairman.

Report received.

Mr. Colby moved that C B No. 47, be indefinitely postponed.

Ayes and nays demanded.

Ayes—Messrs Colby, Francisco, Mather, Parker, Robbins, Willis and Mr President—7.

Nays—Messrs Graham and Steck—2. Carried.

J M No. 4, "Joint memorial relative to a Territorial Seal."

Read third time.

Passed.

Title agreed to.

H B No. 125, a bill for "An act to establish a Territorial library and cabinet." Read third time.

Ayes and nays demanded on the passage of the bill.

Ayes—Messrs Colby, Francisco, Graham, Parker, Robbins, Willis and Mr President—7.

Nays—Messrs Mather and Steck—2.

Bill passed. Title agreed to.

C B No. 49, a bill for "An act to incorporate the Arkansas Hydraulic and Milling Company."

Read third time.

Passed.

Title agreed to.

On motion, Council adjourned.

COUNCIL CHAMBER, }
Saturday, Nov. 2, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Absent—None.

Journal read and approved.

The committee on Judiciary having had under consideration H B Nos. 160, 122 and 94, respectfully report the same to the Council with the recommendation that they pass without amendment.

The committee have also considered

H B No. 122, a bill for "An act concerning ejectment," and recommend the same to be considered in committee of the Whole.

H B No. 147, was also considered by the committee and is recommended to the Council for favorable action.

AMOS STECK, Chairman.

Report received.

Mr Parker offered the following resolution :

Resolved, That the use of the Council chamber be tendered the rector of St. John's Church in the Wilderness, for the purpose of holding Divine service to-morrow.

On motion, rules were suspended and resolution adopted.

On motion, rules were suspended and Mr Willis introduced J R No. 6, "Joint resolution recommending the appointment of a commissioner and Treasury Agent for Colorado."

Read first time.

Message from the House of Representatives.

HOUSE OF REPRESENTATIVES; }
November 1, 1861. }

To the Hon. President of the Council:

I am instructed to inform the Council that the House has passed the following bills:

H B No. 82, a bill for "An act establishing the mode of locating and changing county seats." Also,

H B No. 140, a bill for "An act to provide for the payment of the expenses of the Legislature," And the concurrence of the Council is respectfully requested. Also that

C B No. 42, a bill for "An act to incorporate the Colorado and Pacific Wagon, Telegraph and Railroad Company," has passed the House with an amendment to section 1, as follows:

Striking out the words "complain, petition and defend," and insert the words "plead and be impleaded in all courts of law and equity in this Territory."

F. H. PAGE, Chief Clerk.

H B No's. 82 and 140, were

Read first time.

On motion, rules were suspended.

Bills read second time, and

Referred to committee on Finance, Ways and Means.

C B No. 53, a bill for "An act to incorporate the Blue River mining company."

Read first time.

H B No. 112, a bill for "An act relating to the General Assembly."

Read second time, and

Referred to committee on Territorial Library.

H B No. 113, a bill for "An act fixing the time of meeting of the Legislature."

Read first time.

H B No. 178, a bill for "An act relating to the construction of private charters."

Read second time,

And referred to committee on Incorporations.

H B No. 137, a bill for "An act concerning mining and other claims."

Read second time, and

Referred to committee on Mining Interests.

H B No. 161, a bill for "An act to regulate proceedings on writs of mandamus."

Read second time, and

Referred to committee on Judiciary.

H B No. 150, a bill for "An act to establish the University of Colorado."

Read second time, and

Referred to committee on Education.

H B No. 162, a bill for "An act concerning proceedings on writs of quo warranto."

Read second time, and

Referred to committee on Judiciary.

H B No. 169, a bill for "An act to provide for the removal of improvements in certain cases."

Read second time, and

Referred to committee of the Whole.

H B No. 176, a bill for "An act to prevent ranchmen and stable-keepers from using stock left with them, without the consent of the owners."

Read second time, and

Referred to committee on Agriculture.

H B No. 171, a bill for "An act to incorporate the Georgia Bar and Arkansas River fluming company."

Read second time, and

Referred to committee on Incorporations.

H B No. 174, a bill for "An act to incorporate the Platte City ditch company."

Read second time, and

Referred to committee on Incorporations.

H B No. 133, a bill for "An act to change the name of Guadalupe county to Conejos county."

Read second time, and

Referred to committee on Counties.

H B No. 177, a bill for "An act to incorporate the Canon City, Grand River and San Juan road company."

Read second time, and

Referred to committee on Highways and Bridges.

C B No. 42, a bill for "An act to incorporate the Colorado and Pacific wagon, telegraph and railroad company," returned from the House amended, was taken up, and,

On motion, laid over until Monday, the 4th inst.

H B No. 108, a bill for "An act regulating elections," returned amended from the House, was taken up.

Upon the question, shall the Council recede from its amendment to Section 1, prohibiting soldiers from voting?

Ayes and nays were demanded.

Ayes—Messrs. Colby, Francisco, Parker, Robbins, Willis and Mr President—6.

Nays—Messrs. Graham, Mather and Steck—3. Carried.

The committee of Conference, appointed upon the part of the Council to confer with a like committee from the House, upon

H B No. 87, a bill for "An act to establish the Treasury Department," have instructed me to report to the Council, that they have had the same under consideration, and recommend the adoption of section 2, article 6, without amendment, as passed by the House in the original bill.

A. U. COLBY,
H. F. PARKER,
J. M. FRANCISCO.

Report received.

C B No. 41, a bill for "An act to incorporate the Bank of Colorado," was taken up.

On motion, Council concurred in amendments made to the bill in committee of the Whole.

Mr Willis offered the following amendment, to-wit:

To strike out the name of H. W. Patterson, and insert the name of Philip P. Wilcox in its place.

Adopted.

Bill read third time.

Ayes and nays demanded on its passage.

Ayes—Messrs. Colby, Francisco, Robbins, Willis and Mr President—5.

Nays—Messrs. Graham, Mather, Parker and Steck—4.

Bill passed.

Title agreed to.

On motion, amendments of the committee of the Whole to

C B No. 43, a bill for "An act to incorporate the Breckinridge, Buckskin Joe and Hamilton wagon road company," were adopted.

Bill read third time.

Passed.

Title agreed to.

H B No. 149, a bill for "An act concerning judgments and executions."

Read third time.

Passed. Title agreed to.

H B No. 128, a bill for "An act concerning fugitives from justice," was taken up.

On motion, amendments of the committee of the Whole were adopted.

Bill was read third time.

Passed.

Title agreed to.

H B No. 124, a bill for "An act to prevent the introduction of animals, for the purpose of grazing, within certain limits."

Read third time.

Passed.

Title agreed to.

H B No. 105, a bill for "An act concerning legal advertisements."

Read third time.

Passed.

Title agreed to.

H B No. 123, a bill for "An act concerning joint rights and obligations."

Read third time.

Passed.

Title agreed to.

H B No. 126, a bill for "An act concerning injunctions," was taken up and amended, by striking out the words "Master in Chancery," and inserting, in lieu, the words "Judge of Probate."

Bill was read third time.

Passed.

Title agreed to.

H B No. 136, a bill for "An act concerning county jails."

Read third time.

Passed.

Title agreed to.

H B No. 29, a bill for "An act to incorporate the Camp Weld and Denver Ditch and Water Company," was taken up.

Mr. Robbins moved that the amendments made by the committee of the Whole be adopted. Carried.

Mr Robbins moved that the names of "C. M. Curtis" and "city of Denver," be stricken out of the list of corporators, and bill amended so as to make the capital stock twenty-five thousand dollars. Carried.

Bill read third time.

Ayes and nays demanded on its passage.

Ayes—Messrs Colby, Francisco, Parker, Robbins and Willis—5.

Nays—Messrs Graham, Mather, Steck and Mr President—4.

Passed.

Title agreed to.

H B No. 130, a bill for "An act to provide for vacancies in the Legislature," was taken up.

On motion, amendments of the committee of the Whole were adopted.

Bill was read third time.

Passed, as amended.

Title agreed to.

H B No. 88, a bill for "An act providing for the collection of the revenue," was taken up.

On motion, amendments of the committee of the Whole were adopted.

Read third time.

Bill passed as amended.

Title agreed to.

On motion, Council adjourned.

COUNCIL JOURNAL:
AFTERNOON SESSION.

Council met.

President in the chair.

A quorum present.

Mr Colby moved to reconsider the vote by which

C B No. 41, a bill for "An act to incorporate the Bank of Colorado," was passed.

Carried.

Mr. Colby moved to strike out the name of "Andrew McKinney," and insert, in lieu, the name of "E. C. Jacobs."

Adopted.

Mr Colby moved that the bill be put upon its passage.

Ayes and nays demanded.

Ayes—Messrs Colby, Robbins, Willis and Mr President—4.

Nays—Messrs Graham, Mather and Parker—3.

Carried.

Bill passed as amended.

Title agreed to.

Mr Parker moved to reconsider the vote by which

H B No. 88, a bill for "An act providing for the collection of the revenue," was passed.

Carried.

Mr Parker moved to amend as follows:

In section 1, strike out the words "fifty cents," and insert, in lieu, the words "one dollar."

Adopted.

Mr Parker moved that the bill be put upon its passage.

Carried.

Bill passed, as amended.

Title agreed to.

C B No. 54, a bill for "An act to incorporate the Spanish Bar Wagon Road Company," was taken up.

On motion, amendment of the committee of the Whole were adopted. Bill was

Read third time.

Passed, as amended,

Title agreed to.

Message from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY, }
Denver, November 1, 1861. }

To the President of the Council:

SIR:—I have approved and signed acts entitled

"An act concerning forcible entries and unlawful detainers."

"An act to define county boundaries and to locate county seats in Colorado Territory."

"An act concerning actions by persons holding lots, lands or mining claims, except as against the United States."

Very respectfully,

WILLIAM GILPIN,
Governor of Colorado Territory.

The Judiciary committee report H B No. 132, to the Council with the recommendation that the bill be referred to committee of the Whole.

AMOS STECK, Chairman.

Report received.

The committee to whom was referred H B No. 158, a bill for "An act concerning licenses,"

Report the same back and recommend the following amendments, to-wit: to insert in section 8, after the word "Saloon," the word "Hotel," and recommend that it pass as amended.

H. F. PARKER, Chairman.

Report received.

On motion of Mr. Mather,

Council went into committee of the Whole on the general file.

Mr. Steck in the chair.

Committee rose and made the following report:

The committee of the Whole have had under consideration various bills.

Report them back as follows:

H B No. 132, a bill for "An act regulating proceedings on writs of habeas corpus,"

Amended by striking out section 8,

Also, by striking out in section 17, all after the word "costs," in 5th line, and inserting the words, "in the name of the Territory by any person aggrieved," also,

C B No. 15, amended by striking out the words "to have succession," in 8th line, section one, and inserting in lieu thereof the words "for the term of ten years," and by striking out all after the word "steam," in section five.

H B's No. 93, 160, 147, 61, 94 and 64, without amendment and recommend their passage.

C B No. 9, without recommendation.

C B No. 52, amended by striking out the word "twenty" in 10th line, and inserting in lieu thereof, the word "ten."

H B No. 122, a bill for "An act concerning ejectment," amended by striking out section 47, and recommend the bill to the favorable action of the Council.

AMOS STECK, Chairman.

Report received.

Mr. Robbins, Chairman of the special committee to whom was referred C B No. 9, a bill "to incorporate the Nevada Ditch Company," made the following report:

MR. PRESIDENT: The special committee to whom was referred the "bill for an act to incorporate the Nevada Ditch Company, beg leave to submit the following report:

Your committee have at two sessions heard the applicants and remonstrants for that charter, and the following is the case as

presented by the applicants. A certificate signed "Saml. M. Link Recorder, "setting forth that on the 15th day of July, A. D. 1859, the new Nevada Ditch Company claimed the route or line of the New Nevada Ditch Company, lying the whole distance within the boundary of Nevada District; also a certificate signed R. D. Darlington, Recorder of Nevada District, setting forth that Saml. M. Link was the Recorder of Nevada District at the time of the location of said Ditch, to-wit: on the 15th day of July, 1856.

There was also filed with your committee the certificate of R. D. Darlington certifying that on the 9th day of March, 1860, there was held a convention of the mining districts of the Gregory Gold Mining Region, which said convention located the boundaries of said Nevada District; and also allowed said district to construct a ditch through said Territory under the laws thereof, and of which said convention, said Darlington was a member. The applicants also submitted to the consideration of your committee an article of agreement between the said Ditch Company, and one James Eggens, dated October 22d, 1860, by which said article of agreement, the said James Eggens agreed in consideration of having the entire control of said ditch, and furnishing at least twenty-five square inches of water per day, at the rate of fifty cents per square inch at said Company's Reservoir, to make to said Ditch Company a quit claim deed of all his right and title to the water of North Clear Creek, and also a quit claim deed from said James Eggens to said Nevada Ditch of all his right and title to all the water of North Clear Creek that said Ditch Company may require in consideration of a certain article of agreement to him in hand given, as the payment of two thousand dollars, dated on the 23d of October, 1860. The applicants also introduced evidence to show that the claim of Mr. Eggens to the water of North Clear Creek was absolute, and the prior claim to said water.

The case of the remonstrants was substantially as follows, to-wit: That the mill claim of Charles Gibbs, was made prior to the 15th day of July, 1859, that in the month of July the witness Bruce was at the mill of said Gibbs on North Clear creek, above the mouth of Gregory Gulch, and saw it running, that said Gibbs had a cabin on said claim in which said Gibbs was living, and that said Gibbs was then crushing quartz from the Gregory Lode.

The deposition of the witness, L. Weightman, was substantially as follows:

That the saw-mill of Sylvester Frazier and Weightman was the first one begun on said North Clear Creek, and the claim on which said mill was erected, was taken by said firm on the 25th of June, 1859, and that work was commenced on said claim about the 3d of July, 1859. The next claim taken was that of Charles Gibbs, about the 4th of July, 1859. The next claim was that of Freeman and Redd, who began work upon it about the same time.

The next claim on which work was done. was that of James Eggens; he began work about the 16th of July, 1859, on his saw-mill.

The above testimony was substantiated by the witness.

The deposition of several other witnesses was introduced showing that there were several prior claims to that, either of James Eggens or the Ditch Company, and that mills were being erected, and, in one or more instances, quartz being crushed, prior to or about the time of taking said route by said ditch.

The applicants introduced Mr Freeman to rebut the evidence of the witness Weightman, who testified that the claim of Freeman and Redd was taken, or that work was commenced about the fourth of July, 1859. Freeman testified that his claim was about the last of July or first of August, 1859. Said Freeman on cross-examination, said McLeod and Frazier recovered said claim from him under a prior title.

Your committee are of the opinion, from the evidence introduced before them, that the rights of Sylvester Frazier and Weightman, Foot Simmons and Company, Freeman, Redd and Charles Gibbs, had attached to the water of Clear Creek before the said ditch company claimed the route of said ditch, and, also, prior to the date when the right of James Eggens had attached.

Your committee are of the opinion that in the absence of any claim to the water of North Clear Creek, made by said ditch company, in their certificate filed with your committee, the said ditch company rely upon the deed of Eggens for their title to said water, but your committee are of the opinion that James Eggens, not being either the only or the eldest proprietor, had no right to sell on said creek below the end of the ditch, or above said water, or turn the same from its natural channel, as long as the same was used below him; and that the said Ditch Company acquired no rights under said deed other than the rights which said Eggens possessed, to-wit; The use of said water and its return to the original channel at the next claim below him.

Your committee have not considered the points raised by the remonstrants in regard to the damage done by said Ditch Company flowing sand and gravel down Gregory Gulch, as that question is lost in the greater one, as to the right of the Ditch Company to flow water through said ditch, which right, in the opinion of your committee, does not vest in said Ditch Company, and that the charter asked for, be granted.

On motion, report received and adopted.

H B No 160, a bill for "An act concerning Guardians and Wards."
Read third time.

Passed.

Title agreed to.

H B No 147, a bill for "An act relating to the commitment of prisoners."

Read third time.

Passed.

Title agreed to.

H B No 61, a bill for "An act concerning partition of real estate."

Read third time.

Passed. Title agreed to.

H B No 94, a bill for "An act concerning the construction of statutes."

Read third time.

Passed.

Title agreed to.

H B No 64, a bill for "An act incorporating the Park Junction, Georgia and French Gulch Road Company."

Read third time.

Passed.

Title agreed to.

H B No 132, a bill for "An act regulating proceedings on writs of Habeas Corpus," was taken up.

On motion amendments of committee of the Whole, were adopted.

Bill was read third time.

Passed.

Title agreed to.

C B No 15, a bill for "An act to incorporate the Silver Spring Mining Company," was taken up.

On motion, amendments of the committee of the Whole were adopted.

Bill was read third time.

Passed.

Title agreed to.

H B No 122, a bill for "An act concerning ejectment," was taken up.

On motion, amendments of committee of the Whole, were adopted.

Bill was read third time.

Passed.

Title agreed to

C B No 52, a bill for "An act granting exclusive right to Charles Autbees to maintain a ferry across the Arkansas River," was taken up.

On motion, amendments of the committee of the whole were adopted.

Bill was read third time.

Passed

Title agreed to.

The committee to whom was referred

H B No 92, a bill for "An act to incorporate the Bear Canon Road Company," report the same back to the Council and recommend that the bill pass, with an additional section attached, reading as follows:

"Nothing in the provisions of this act shall be so construed as to allow the incorporators mentioned in this act, their heirs or assigns to collect toll upon any road now open and free, or upon any road

owned and built by other persons, or which has been built and made free by the public."

C. W. MATHER. Chairman.

Report received.

On motion, Council adjourned until Monday.

COUNCIL CHAMBER,
Monday, Nov. 4, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Absent—none.

Journal read and approved.

Petition of J. Paul Garvin and others, praying that a charter be granted to the Denver, Golden City, Great Salt Lake road and telegraph company, presented by Mr Colby, on the 29th October, was considered, without any action being taken.

The Judiciary committee respectfully report,

H B No's. 103, 60, 34 and 155, back to the Council, and recommend that they be considered in committee of the Whole.

AMOS STECK, Chairman.

Report received.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
November 4, 1861. }

Hon. President of the Council:

I am instructed to inform the Council, that the House has passed the following bills:

H B No. 100, a bill for "An act to incorporate the Clear Creek wagon road company."

H B No. 101, a bill for "An act to incorporate the Idaho and Missouri City wagon road company," and the concurrence of the Council is respectfully requested. Also,

C B No. 36, a bill for "An act for the protection of trout fish." Also,

C B No. 39, a bill for "An act to incorporate St. John's church in the wilderness," without amendment. I also return

H B No. 47, a bill for "An act to incorporate the city of Denver," the House refusing to concur in the Council amendments.

F. H. PAGE, Chief Clerk.

C B No. 53, a bill for "An act to incorporate the Blue River mining company."

Read second time, and

Referred to committee on Incorporations.

H B No. 82, a bill for "An act establishing the mode of locating and changing county seats."

Read second time, and

Referred to committee on Counties.

H B No. 113, a bill for "An act fixing the time of meeting of the Legislature."

Read second time, and

Referred to committee on Elections.

J R No. 6, "Joint resolution, recommending the appointment of a Commissioner and Treasury Agent for Colorado Territory."

Read second time, and

Referred to committee on Federal Relations.

The committee on Education, to whom was referred

H B No. 117, a bill for "An act to establish the common school system," report the same back to the Council, and recommend that it be considered in committee of the Whole.

C. W. MATHER, Chairman.

Report received.

On motion, Council concurred in House amendment to

C B No. 42, a bill for "An act to incorporate the Colorado and Pacific wagon, telegraph and railroad company."

On motion, Council went into committee of the Whole on the General File.

Mr Mather in the chair.

Committee rose, and made the following report:

The committee of the Whole have had under consideration

H B No. 117, a bill for "An act to establish the common school system," and report the same back to the Council for favorable action. Also,

H B No. 158, a bill for "An act concerning licenses," and amended the same by inserting, in section 21, second line, after the word "debt," the words "or by indictment," and recommend its passage, as amended. Also,

H B No. 92, a bill for "An act to incorporate the Bear Canon road company," and

Amended the same, by striking out all after the word "Territory," in section 2. Also,

Amended section 8, by striking out the whole section, and inserting in lieu thereof the following:

"Nothing in the provisions of this act shall be so construed, as to give to the incorporators, mentioned in this act, their heirs or assigns, the right to control, in any manner, or collect toll upon any road or part of road, now free, or owned or built, in whole or in part, by other persons,"

And with these amendments, recommend that the bill pass. Also,

H B No. 93, a bill for "An act to incorporate the St. Vrain, Altonia, Boulder Mines and Gregory road company," and report

the same back to the Council for favorable action, with the following amendments, to-wit:

Striking out, in section 3, the words "Mountain City," and inserting in lieu thereof, the words "Gold Dirt;" also,

Adding the following, as an additional section:

"Nothing in the provisions of this act shall be so construed, as to give to the incorporators, named in this act, their heirs or assigns, the right to control in any manner, or to collect toll upon any road or part of road now free, or owned and built, in whole or in part, by other persons."

C. W. MATHER, Chairman.

Report received.

On motion of Mr Steck, the vote passing

H B No. 126, a bill for "An act concerning injunctions," was reconsidered, and the bill passed without amendment.

On motion, Council adjourned.

AFTERNOON SESSION.

Council met.

President in the chair.

A quorum present.

Mr. Robbins presented petitions of William Cox and others "asking for a charter for a ditch from Swan River to Delaware Gulch."

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES,
November 4th, 1861.

Hon. President of the Council:

I am instructed to inform the Council that the House has passed H B No. 156, a bill for "An act to incorporate the Cash creek and Lake Park Ditch Company," and the concurrence of the Council is respectfully requested, also,

C B No. 46, a bill for "An act to protect the mining claims and property of soldiers," without amendment, also,

C B No. 37, a bill for "An act to prevent non-residents from importing stock into the Territory of Colorado for grazing purposes,"

Amended as follows:

In section 1, 2nd and 3rd lines, striking out the words, "The Governor approving," also, in 6th line, before the word "said" inserting the words "Counties of Costilla and Guadalupe in;" also,

In section 3, 2nd line, after the word "of," inserting the words "The said Counties of Costilla and Guadalupe," and striking out the words "this Territory," also, in fifth line, striking out the word "Territory," and inserting the word "counties."

The report of the committee of conference on H B No. 87, as follows: "The amendments to section 2, of article 6, be stricken out, and the section to remain as in the Original Bill,"

Was adopted by the House,

And your concurrence therein, is respectfully requested.

F. H. PAGE, Chief Clerk.

H B No. 100, a bill for "An act to Incorporate the Clear creek Wagon Road Company,"

Read first time.

H B No. 101, a bill for "An act to Incorporate the Idaho and Missouri City Wagon Road Company."

Read first time,

H B No. 156, a bill for "An act to Incorporate the Cash creek and Lake Park Ditch Company,"

Read first time.

On motion, rules were suspended,

Read second time,

And referred to committee on Incorporations.

H B No. 87, a bill for "An act to organize and establish the Treasury Department,"

Reported upon by the committee of conference,

Was taken up.

Mr. Robbins moved to lay the Bill upon the table.

Ayes and nays demanded.

Ayes—Messrs Graham and Robbins—2.

Nays—Messrs Colby, Francisco, Mather, Parker, Steck, Willis and Mr President—7.

Lost.

Mr. Colby moved that the Council recede from its amendments to article 6, section 2.

Carried.

The committee to whom was referred

H B No. 176, a bill for "An act to prevent ranchmen and stable-keepers from using stock left with them, without the consent of the owners,"

Report the same back, and recommend that it pass without amendment.

J. M. FRANCISCO, Chairman.

Report received.

H B No. 9, a bill for "An act to incorporate the Nevada Ditch Company,"

Was taken up.

Mr. Mather moved that the bill be laid upon the table.

Ayes and nays demanded.

Ayes—Messrs Graham, Mather, Robbins and Steck—4.

Nays—Messrs Colby, Francisco, Parker, Willis and Mr. President—4.

Lost.

Mr. Mather moved that the bill be indefinitely postponed.
Ayes and nays were demanded.

Ayes—Messrs Graham, Mather, Robbins and Steck—4.

Nays—Messrs Colby, Parker, Willis and Mr. President—4.
Lost.

Mr Colby moved that the bill be read third time,
And put upon its passage.
Carried.

Bill read third time,
Ayes and nays demanded on its passage.

Ayes—Messrs Colby, Parker, and Willis—3.

Nays—Messrs Graham, Mather, Robbins, Steck and Mr President—5.
Lost.

C B No. 37, a bill for "An act to prevent the importation of stock
into the Territory of Colorado for grazing purposes,"
Was taken up.

On motion,
Council concurred in House amendment.

H B No. 47, a bill for "An act to incorporate the City of Denver,"
returned from the House,
Was taken up.

On motion,
Council insisted on its amendments.

On motion,
Amendments of the committee of the Whole, to House Bills No's.
158, 92 and 93, and C B No. 8, were adopted.

H B No. 158, a bill for "An act concerning licenses."
Bill read third time.
Passed.
Title agreed to.

C B No. 8, a bill for "An act to incorporate the Eldorado Mining
Company."
Read third time.
Passed.
Title agreed to.

H B No. 92, a bill for "An act to incorporate the Bear Canon
Road Company."
Read third time.
Passed.
Title agreed to.

H B No. 93, a bill for "An act to incorporate the St. Vrain,
Altona, Boulder Mines and Gregory Road Company."
Read third time.
Passed. Title agreed to.

On motion, Council adjourned until 9 o'clock A. M., to-morrow.

COUNCIL CHAMBER, }
 Tuesday, Nov. 5, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Absent—Messrs Colby, Francisco, Robbins and Steck.

Journal read and approved.

On leave, Mr Graham introduced

C B No. 54, a bill for "An act to provide for serving process until the election of Sheriffs and Coroners in this Territory."

Read first time,

On motion, rules were suspended.

Bill read second time, and

Referred to committee of the Whole.

Committee on Highways and Bridges have had under consideration H B No. 177, a bill for "An act to incorporate the Canon City, Grand River and San Juan Road Company,"

And report the bill back without amendment, and recommend its passage.

H. J. GRAHAM, Chairman.

Report received.

The committee to whom was referred

H B No. 140, a bill for "An act to provide for the expenses of the Legislature,"

Report the same back, and recommend its reference to the committee of the Whole.

H. F. PARKER, Chairman.

Report received.

The committee on Federal Relations, to whom was referred J R No. 6, report the same back, and recommend favorable action thereon.

H. J. GRAHAM, Chairman.

Report received.

The committee on Judiciary respectfully report H B's Nos. 112 and 162, and recommend their consideration by the committee of the Whole.

AMOS STECK, Chairman.

Report received.

On leave, Mr Willis introduced

J R and M No. 7, "Relative to the pre-emption rights of the early settlers."

Read first time. On motion,

Rules were suspended,

Memorial was read second time, and

Referred to committee of the Whole.

H B No. 100, a bill for "An act to incorporate the Clear Creek Wagon Road Company."

Read second time, and

Referred to committee on Highways and Bridges.

H B No. 101, a bill for "An act to incorporate the Idaho and Missouri City Wagon Road Company."

Read second time, and

Referred to committee on Highways and Bridges.

H B No. 117, a bill for "An act to establish the common school system," was taken up, and,

On motion, laid over.

On motion,

H B No. 134, a bill for "An act concerning bonds, in certain cases," was taken up.

Mr Parker moved that the bill be laid on the table. Carried.

The committee on Mining interests, to whom was referred

H B No. 137, a bill for "An act concerning mining and other interests,"

Report the same back to the Council, amended by striking out all after the enacting clause.

S. M. ROBBINS, Chairman.

Report received.

The committee on Judiciary, to whom was referred

H B No. 146, report the same back to the Council, and recommend that it be considered in committee of the Whole.

AMOS STECK, Chairman.

Report received.

On motion,

Council went into committee of the Whole on the general file.

Mr Steck in the chair.

Committee rose and made the following report:

The committee of the Whole, having had under consideration various bills, report as follows:

H B's No. 60, 177, 146, 176, and C B No. 54, are recommended by the committee for favorable action, without amendment.

H B No 155, is also reported for favorable action, after striking out the word "was" in third line, section one, and the words "at any time during the marriage unless the same shall have been relinquished in legal form," and inserting the words "shall die" between the words "husband" and "siezed," in third line section one.

Also—in section two insert the word "and" between the word "land" and the word "shall" in third line; and by striking out section fifteen.

H B No 5, is also reported to the Council for favorable action, after striking out the word "officer" in seventh line from top of second page, and inserting the word "judges," and by adding

after the word "judges, and inserting the words "not exceeding twelve hundred dollars," so that the salaries of the justices of the Territory may be three thousand dollars.

H B No 37, is reported to the Council with the recommendation that it be passed.

Joint Resolution and Memorial to Congress, is reported back, amended by striking out the word "million of" in fourth line, and inserting the word "many" instead; also by striking out the word "matrices" and inserting the words "quartz and minerals," in lieu thereof, and with these amendments recommend the bills to the favorable action of the Council.

H B No 34, is recommended to be passed, with the following additional section:

"The District Judges shall be entitled to receive a fee of three dollars for each cause in chancery, two dollars and fifty cents for each case at common law, and two dollars in each appeal from a Justice of the Peace, to be paid at the commencement of the suit; also a fee of two dollars for hearing each motion at chambers, in vacation, and for any service which might be performed by a clerk or master in chancery, the same fees as clerks and masters in chancery for similar services."

H B No 113, amended by striking out the word "general" in section one and four, and inserting the word "Legislative" instead, and with these amendments is recommended to the favorable action of the Council.

H B No 160, a bill for "An act to provide for the removal of improvements in certain cases," is recommended to be laid upon the table.

H B No 103, is recommended to be passed with the following amendments, to-wit:

Striking out, in section two, 5th line, the words "Justices of the Peace," and inserting the words "county officers" instead; also, in last line of section, striking the words "Justices of the Peace," and inserting the words "county officers" instead.

In section three, inserting the word "Judge" in place of the words "Justices of the Peace" in first line; also striking out the word "other" in line four; also in seventh subdivision, section five, striking out the word "other" in next to the last line; also in section seven, strike out the word "other" in next to last line; also in section seventeen, striking out in sixth line the words "Justices of the Peace" and inserting the words "county officers," instead; also striking out the words "Justices of the Peace," in other sections, and inserting the words "county officers" instead; also, in section nineteen, striking out the word "other" in last line; also, in section twenty, inserting the words "when exercising the jurisdiction of," and striking out the word "other" in last line.

Joint Resolution No 7, is reported to the Council without amendment and its passage recommended.

H B No 162, is amended by striking out the words "in district" in section two, and its passage recommended.

H B No 140, is recommended for passage without amendment.

AMOS STECK, Chairman.

Report received.

On motion, Council adjourned.

AFTERNOON SESSION.

Council met.

President in the chair.

A quorum present.

Message from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TER. }
Denver, November 5, 1861. }

To the President of the Council:

SIR:—I have this day approved and signed acts entitled,

An act concerning conveyances of real estate.

An act to provide for limitations of actions.

Respectfully,

WILLIAM GILPIN,

Governor of Colorado Territory.

On leave, Mr Parker introduced

J. R. No 8, Joint Resolution asking for the appointment of an assistant Post Master General, or general postal agent, to reside in Colorado.

Read first time.

The committee on Incorporations, to whom was referred

H B No 171, a bill for "An act to incorporate the Georgia Bar and Arkansas River fluming company," have considered the same and report it back to the Council without amendment, and recommend its passage.

A. U. COLBY, Chairman.

Report received.

Message from the House of Representatives.

HOUSE OF REPRESENTATIVES, }
November 5, 1861. }

Hon. President of the Council:—

I am instructed to inform the Council, that the House has passed the following bills:

H B No. 121, a bill for "An act concerning the District and Supreme Courts."

J M No. 7, "Joint memorial relative to a daily mail from Denver to Mountain City."

H B No. 111, a bill for "An act to establish a legal tender for the Territory of Colorado;" also,

A resolution appointing a committee to examine the laws of this Territory; also,

H B No. 139, a bill for "An act to incorporate the Iowa ditch

company," and the concurrence of the Council is respectfully requested. Also,

That the House has refused to concur in Council amendments to H B No's. 92 and 93, and ask a committee of conference from the Council, to confer with a like committee from the House, consisting of Messrs. Holly, Chaffee and Witter.

F. H. PAGE, Chief Clerk.

H B No. 117, a bill for "An act to establish the common school system," was taken up.

Mr. Mather offered the following amendment:

"Section 75. The provisions of this act shall not extend to districts, communities or counties, where, in the opinion of the people residing in such localities, they shall not deem it expedient to establish common schools; and at each annual election, the people of the Territory, in their respective districts, shall vote, by ballot or otherwise, whether they shall be taxed for such purposes; and the clerks of the elections, shall record such vote in the poll books of their districts, and if there be a majority of the legal voters in favor of such tax, then the same shall be levied, as provided for in the provisions of this act.

"And it is further provided, That in any district, where the legal voters shall decide against the levying of such tax, the property in such district, shall not be taxed to support schools in other districts in the county or the Territory."

On motion, amendment adopted.

Bill was read third time.

Passed, as amended.

Title agreed to.

H B No's. 92 and 93, returned from the House, amendments not concurred in, were taken up.

On motion,

Messrs. Parker, Mather and Graham, were appointed a committee of conference on the bills.

H B No. 137, a bill for "An act concerning mining and other claims."

Read third time.

Ayes and nays demanded on its passage.

Ayes—Messrs. Francisco, Mather, Parker, Willis and Mr President—5.

Nays—Messrs. Colby, Graham, Robbins and Steck—4.

Bill passed.

On motion of Mr Robbins,

Title was amended so as to read,

"An act concerning lode claims."

The committee on Judiciary respectfully report,

H B No. 61, a bill for "An act to regulate proceedings on writs of mandamus," and recommend its passage without amendment.

AMOS STECK, Chairman.

Report received.

H B No. 60, a bill for "An act concerning wills, executors and administrators," was taken up.

On motion of Mr Steck,

Bill was amended, by striking out the words "of the peace" wherever they occur.

Bill was read third time.

Passed.

Title agreed to.

H B No. 146, a bill for "An act concerning arbitrations and awards," was taken up.

Mr Parker offered the following amendment, to-wit:

In 8th section, fifteenth line, insert the words "or the decision of a jury," between the words "decision" and "therein;" also,

In section 9, first and second lines, strike out the words "feeling aggrieved by," and insert in lieu thereof, the words "a party to;" and between the words "same" and "set," in seventh line of same section, insert the words "confirmed and or."

Adopted.

Mr Robbins offered the following amendment, to-wit:

By inserting, between the words "attorney" and "or," the words "except when the action was founded upon a written contract, to pay money."

Adopted.

Bill was read third time.

Passed.

Title agreed to.

H B No. 177, a bill for "An act to incorporate the Canon City, Grand River and San Juan road company."

Read third time.

Passed.

Title agreed to.

H B No. 176, a bill for "An act to prevent ranchmen and stable-keepers from using stock left with them, without the consent of the owners."

Read third time.

Passed.

Title agreed to.

H B No. 140, a bill for "An act to provide for the payment of the expenses of the Legislature."

Bill read third time, and,

On motion,

Laid on the table.

C B No. 54, a bill for "An act to provide for serving process until the election of Sheriffs and Coroners in this Territory,"

Was taken up.

Mr Graham moved that the bill be laid upon the table.

Lost.

Mr. Graham moved that the bill be recommitted,

Ayes and nays demanded.

Ayes—Messrs Francisco, Graham, Robbins, Willis and Mr President—5.

Nays—Messrs Mather, Parker and Steck—3.

Carried.

On motion,

The amendments of the committee of the whole to
H B No. 103, a bill for "An act concerning Probate Courts,"
Were adopted.

Read third time.

Passed.

Title agreed to.

On motion,

Amendments of the committee of the Whole to
H B No. 155, a bill for "An act concerning dower,"
Were adopted.

Read third time.

Passed.

Title agreed to.

H B No. 34, a bill for "An act relating to the fees of officers,
jurors and witnesses,"

Was taken up.

On motion,

Amendments of the committee of the Whole, were adopted.

Mr. Graham offered the following amendment, to-wit:

"That the Secretary of the Territory shall have the right to charge
upon papers issued by him, as follows:

For each military commission with seal	\$2 50
" " notary's " " "	2 50
" " foreign " " "	5 00

And all other commissions and appointments to which the Territorial seal is attached, \$2,50.

In all cases these sums to be collected from the individual receiving the commission, and not from the Territorial Treasury,"

Adopted.

Mr Steck moved that the bill be indefinitely postponed.

Ayes and nays demanded.

Ayes—Messrs Graham, Mather, and Steck—3.

Nays—Messrs Colby, Francisco, Parker, Robbins, Willis and Mr President—6.

Lost.

Mr. Steck moved to lay the bill on the table.

Ayes and nays demanded.

Ayes—Messrs Graham, Mather and Steck—3.

Nays—Messrs Colby, Francisco, Parker, Robbins, Willis and Mr President—6.

Lost.

Mr. Steck moved that the bill be postponed until Wednesday, 2 o'clock, P. M.

Lost.

Mr Mather moved that the Council adjourn. Lost.

Mr Steck moved that the Council adjourn until to-morrow at 9 o'clock A. M.

Ayes and nays demanded.

Ayes—Messrs. Graham, Mather, Parker and Steck—4.

Nays—Messrs. Colby, Francisco, Robbins, Willis and Mr President—5. Lost.

Mr Willis moved that the bill be read third time, pending which, On motion, Council adjourned until 9 o'clock A. M. to-morrow.

COUNCIL CHAMBER, }
Wednesday, November 6th, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

Absent—Mr. Robbins.

Journal read and approved.

The committee to whom was referred H B No. 148, have considered the same and recommend its passage.

J. M. FRANCISCO, Chairman.

Report received.

The committee on Incorporations report Council Bill No. 53, a bill for "An act to incorporate the Blue River Mining Company," back to the Council and recommend its consideration by the committee of the Whole.

A. U. COLBY, Chairman.

Report received.

The committee to whom was referred H B No. 113, report the same back, and recommend that it be referred to committee of the Whole.

H. F. PARKER, Chairman.

Report received.

The committee of conference on H B No. 93, have agreed to accept the Council amendments by amending section 3, by striking out the words "Gold Dust," and also to strike out in section 8, the words "now free, or," and recommend that it pass as amended by the committee of Conference.

They have also agreed to amend H B No. 92, by striking out all of Council amendments, and insert in section 2, after the words "over

said road," and insert the words, "which they shall have constructed;" and recommend that it pass as amended by the committee of conference.

C. W. MATHER, Chairman.

Report received.

The committee on Highways and Bridges to whom was referred H B No's. 100 and 101, have had the same under consideration, and report the same back to the Council and ask that they be considered in committee of the whole.

H. J. GRAHAM, Chairman.

Report received.

On motion, rules were suspended,

Mr. Francisco introduced:

C B No. 55, a bill for "An act concerning marks and brands for animals,"

Read first time.

Joint Resolution No. 8, Joint Resolution asking for the appointment of an Assistant Postmaster General or general postal agent to reside in Colorado,"

Read first time.

H B No. 139, a bill for "An act to incorporate the Iowa Ditch Company,"

Read first time.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES,
November 5, 1861. }

Hon. President of the Council:

I am instructed to inform the Council that the House has passed the following bills:

H B No. 54, a bill for "An act to incorporate the Denver, Golden Gate and Gregory road company."

H B No. 95, a bill for "An act empowering certain persons to erect and keep a dam across the Arkansas River."

H B No 142, a bill for "An act to incorporate the Colorado oil company."

H B No. 152, a bill for "An act to incorporate the Buckskin Joe ditch company."

H B No. 159, a bill for "An act to incorporate the Central City and Georgetown road company."

H B No. 163, a bill for "An act to establish a ferry across the Rio Grande del Norte, at La Loma del Norte."

H B No. 164, a bill for "An act relative to a ferry across the Rio Grande del Norte."

H B No. 145, a bill for "An act to incorporate the Accidental tunnel and mining company."

H B No. 190, a bill for "An act concerning Clerks of the courts."

And your concurrence is respectfully requested.

Also, that the House concurs in Council amendment to H B No. 47, and amends by striking out all of the Council amendments and inserting, in lieu thereof, as follows, to-wit:

To amend section 1 of article 4, by inserting in the third line, after the word "one," following the word "Mayor," these words: "Justice of the Peace, to be denominated."

Also, by adding to article 8, the following, as an additional section, (17) to-wit:

"The Police Magistrate shall have jurisdiction in all cases of violation of the city ordinances, and shall have the same jurisdiction, in all civil and criminal proceedings, as is now, or shall hereafter be, conferred upon other Justices of the Peace of this Territory; and in all courts of this Territory, said Police Magistrate shall be held to be a Justice of the Peace, but no change of venue shall be allowed from said Police Magistrate to any other Justice of the Peace, for hearing and determination, in any case where proceedings shall be commenced against any person or persons for the violation of any city ordinances."

Also, by adding to article 8, the following, as an additional section, (18) to-wit:

"This act shall take effect and be in force from and after its passage." Also,

C B No. 11, "Declaratory of the rights of occupants of the public domain, except as against the United States."

F. H. PAGE, Chief Clerk.

H B No. 111, a bill for "An act to establish a legal tender for the Territory of Colorado."

Read first time.

Joint Resolution appointing a committee to examine the laws of the Territory.

Read first time.

J M No. 7, "Joint memorial relative to a daily mail from Denver to Mountain City."

Read first time.

H B No. 54, a bill for "An act to incorporate the Denver, Golden Gate and Gregory road company."

Read first time.

H B No. 95, a bill for "An act empowering certain persons to erect and keep a dam across the Arkansas River."

Read first time.

Mr Colby moved that it be indefinitely postponed.

Lost.

H B No. 145, a bill for "An act to incorporate the Accidental tunnel and mining company."

Read first time.

And on motion of Mr Parker, was laid on the table.

H B No. 142, a bill for "An act to incorporate the Colorado oil company."

Read first time.

H B No. 152, a bill for "An act to incorporate the Buckskin Joe ditch company."

Read first time.

H B No. 163, a bill for "An act to establish a ferry across the Rio Grande del Norte at La Loma del Norte."

Read first time.]

H B No. 164, a bill for "An act relative to a ferry across the Rio Grande del Norte.

Read first time.

H B No. 121, a bill for "An act concerning District and Supreme Courts," was

Read second time, and

Referred to committee on Judiciary.

H B No. 139, a bill for act to incorporate the Iowa ditch company."

Read second time, and

Referred to committee of the Whole.

H B No. 111, a bill for "An act to establish a legal tender for the Territory of Colorado,"

Read second time, and

Referred to committee of the Whole.

Joint resolution, appointing a committee to examine the laws, was

Read second time, and

Referred to committee of the Whole.

J M No. 7, was

Read second time, and

Referred to committee on Federal Relations.

H B No. 54, was

Read second time, and

Referred to committee of the Whole.

H B No. 159, was

Read second time, and

Referred to committee of the Whole.

H B No. 190, was laid on the table.

C B No. 55, was

Read second time, and

Referred to committee of the Whole.

H B No. 152, was

Read second time, and

Referred to committee of the Whole.

H B No. 163, was

Read second time, and

Referred to committee of the Whole.

H B No. 164, was

Read second time, and

Referred to committee of the Whole.

J R No. 6, recommending the appointment of a Commissioner and Treasury agent for Colorado was taken up. Amendments of the committee of the Whole were adopted. Resolution was
Read third time.

Passed, as amended.

J M No. 5, "Joint memorial relative to the salary of the Territorial officers," was taken up.

Amendments of the committee of the Whole, were adopted.

Memorial was read third time, and

Passed.

J M No. 7, "Joint memorial relative to the pre-emption rights of early settlers," was taken up.

Amendments of the committee of the Whole, were adopted.

Memorial was read third time, and

Passed.

H B No. 169 was laid upon the table.

On motion, the amendments of the committee of the Whole to

H B No. 112, a bill for "An act relative to the General Assembly," were adopted

Bill was read third time.

Passed, as amended.

Title was amended so as to read,

"An act relating to the Legislative Assembly."

H B No. 34, was taken up, and,

On motion, made the special order for this day, at 3 o'clock, P. M.

Mr Colby presented petition, praying that George P. Griffith may be secured in the right of enforcing and taking tolls on the Central City and Georgetown road, by act of the Legislature.

The select committee, to whom was referred

H B No. 85, "An act to incorporate the St. Vrain bridge company," report the same back to the Council, and recommend that it pass, with the following amendments:

Strike out, in section 3, all between the words "sheep" and "who," and insert, before the word "who," "any person."

Also, to add as an additional section, as follows:

No person or corporation, shall be allowed to construct any bridge or bridges, to the damage of the incorporators mentioned in this act, within five miles of said bridge, on either side; but this section shall not be construed so as to prevent any farmer or ranchman from constructing a bridge over the said Platte River, for his own convenience; but any person constructing any such private bridge, shall not collect toll upon such bridge, nor allow the passage of teams, oxen or cattle, to the damage of the incorporators mentioned in this act.

C. W. MATHER, Chairman.

Report received.

The committee, to whom was referred

H B No. 82, also,

H B No. 133, have had the same under consideration, and respectfully recommend that they pass without amendment.

R. B. WILLIS, Chairman.

Report received.

The committee on Education, to whom was referred

H B No. 150, a bill for "An act to incorporate the University of Colorado," report the same back to the Council, and recommend that it be considered in committee of the Whole.

C. W. MATHER, Chairman.

Report received.

On motion, amendment of the committee of the Whole to

H B No. 162, a bill for "An act concerning mode of proceedings in cases of quo warranto," were adopted.

Bill was read third time.

Passed as amended.

Title agreed to.

On motion, Council went into committee of the Whole.

Mr Mather in the chair.

Committee rose and made the following report:

The committee of the Whole, having examined

H B No. 111, report the same back to the Council, and recommend that it be laid on the table.

Also, joint resolution "appointing a committee to examine the laws of the Territory," be reported to the Council, with a like recommendation. Also,

C B No. 55, reported to the Council, and recommended to pass. Also,

Report the following bills to the Council,

H B No's. 152, 82, 133, 163, 164, 161, and recommend that they pass.

The committee have also considered

H B No. 150, a bill for "An act to establish the University of Colorado," and report that they have added the names of T. J. Jones and Mr Goss to the list of incorporators, and have stricken out the names of Lewis Cass, D. M. Vance, Jeff. Davis, F. J. Stanton, M. Riddlebarger, Wm. N. Byers, Thomas Gibson, C. C. Carpenter, O. A. Whittemore, Mr Partridge and John Howard, and recommend that the bill do pass.

C. W. MATHER, Chairman.

Report received.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, {
November 6, 1861. }

Hon. President of the Council:

I am instructed to inform the Council, that

H B No. 166, a bill for "An act to incorporate the Canon City bridge company;"

H B No. 167, a bill for "An act to incorporate the Eldorado ditch company;"

H B No. 175, a bill for "An act to incorporate the Kansas, Canon City and Colorado stage and express company;"

H B No. 185, a bill for "An act to incorporate the Colorado grand lodge of free and accepted masons;"

H B No. 187, a bill for "An act to incorporate the Georgia Gulch and South Clear Creek wagon road company;"

H B No. 191, a bill for "An act to incorporate the Oro City and Washington Gulch road company;"

H B No. 192, a bill for "An act in relation to service of process;" also,

J M No. 8, "Relative to the Colorado and Pacific wagon, telegraph and railroad company," have passed the House, and the concurrence of the Council is respectfully requested.

C B No. 45, a bill for "An act to protect the rights of married women," has passed the House without amendment.

F. H. PAGE, Chief Clerk.

The committee on Incorporations, to whom was referred

H B No. 156, a bill for "An act to incorporate the Cash Creek and Lake Park ditch company," report the same back to the Council, and recommend its consideration by the committee of the Whole.

A. U. COLBY, Chairman.

Report received.

On motion, Council adjourned.

AFTERNOON SESSION.

Council met.

President in the chair.

A quorum present.

Message from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY, }
Denver, November 6, 1861. }

To the President of the Council:

SIR:—I have this day approved and signed acts, entitled

An act for the protection of trout fish.

An act to protect the mining claims and property of soldiers:

An act to prevent the importation of stock into the Territory of Colorado for the purpose of grazing.

An act to incorporate St. John's Church in the wilderness.

Very respectfully,

WILLIAM GILPIN,
Governor of Colorado Territory.

On motion of Mr Graham, C B No 54, was taken from committee of the Whole to which it had been re-committed.

The committee of conference who were appointed to confer with a like committee of the House upon Council Bill No 17, a bill for "An act to regulate divorce and alimony," have agreed to accept House Bill No 100, as a substitute, and recommend that the Council accept the substitute.

C. W. MATHER, Chairman.

Report received.

The committee on Incorporations to whom was referred

C B No 50, a bill for "An act to incorporate the Vasquez River mining company," report the same without amendment, and recommend its consideration by the committee of Whole.

A. U. COLBY, Chairman.

Report received.

The Judiciary committee respectfully report,

H B No 121, a bill for "An act concerning District and Supreme Courts," without recommendation.

AMOS STECK, Chairman.

Report received.

The committee on Federal Relations, to whom was referred

J M No 7, Joint Memorial relative to a daily mail from Denver to Mountain City," report the same back and recommend its passage.

H. J. GRAHAM, Chairman.

Report received.

On motion, Council went into committee of the Whole on the general file.

Mr Mather in the chair.

Committee rose and made the following report:

The committee of the Whole, having considered House Bill No 133, report the same back to the Council, and recommend that a select committee of three be appointed to amend and perfect the bill.

They have also considered H B No 148, a bill for "An act concerning line fence," and report the same back to the Council, with the recommendation that it pass,

The committee have also examined H B No 54, and report the same back to the Council and recommend that it pass, with the following amendments, to-wit:

Strike out after the word "from" in the sixth line, in section two, "the city of Denver, by the way of Golden City," and strike out the words "to the Guy House," and insert "to its head where it intersects the main road to Gregory Diggings."

Strike out the words "fifty cents," in the seventh line, of section seven, and insert "twenty-five cents."

C. W. MATHER, Chairman.

Report received.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
November, 6, 1861. }

Hon. President of the Council:

I am instructed to inform the Council that the House has passed H B No 141, a bill for "An act to incorporate the Clear Creek and Platte River ditch and water company."

H B No 168, a bill for "An act to incorporate the Bald Mountain ditch company."

H B No 182, a bill for "An act to incorporate the Denver City Insurance company, of Denver City."

H B No 181, a bill for "An act to incorporate the Cash Creek fluming company."

H B No 183, a bill for "An act to incorporate the Union mining company."

H B No 172, a bill for "An act to incorporate the Gold Run tunnel company."

H B 184, a bill for "An act to incorporate the Rocky Mountain prospecting company."

H B No 173, a bill for "An act to incorporate the Pioneer tunneling company, No. 1, of Gold Hill," and the concurrence of the Council is respectfully requested.

F. H. PAGE, Chief Clerk.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
November 6, 1861. }

Hon. President of the Council:—

I am instructed to inform the Council that the House has concurred in Council amendment to H B No. 146, a bill for "An act concerning arbitrations and awards."

And amended said bill by striking out all of section 9, as that section was so stricken out before passing this House, but through mistake was not so noted.

F. H. PAGE, Chief Clerk.

On motion,

Council adjourned until 7 o'clock this evening.

EVENING SESSION.

Council met pursuant to adjournment.

President in the chair.

A quorum present.

On motion,

Council concurred in House amendment to H B 146,
In striking out all of section 9.

Mr Willis moved that

H B No. 34, a bill for "An act relating to the fees of officers,
jurors and witnesses,"

Be taken up,

Carried.

Mr. Colby moved that

Bill be read third time;

And put on its passage.

Ayes and nays demanded.

Ayes—Messrs Colby, Francisco, Parker, Robbins, Willis and Mr.
President—6.

Nays—Messrs Graham, Mather and Steck—3.

Carried.

Bill was read third time.

Ayes and nays demanded on its passage.

Ayes—Messrs Colby, Francisco, Graham, Parker, Robbins, Willis
and Mr President—7.

Nays—Messrs Mather and Steck—2.

Passed as amended.

Title agreed to.

H B No. 47, a bill for "An act to incorporate the City of Denver,"

Returned from the House,

Was taken up.

Mr Colby moved that House amendment to the bill be adopted.

Ayes and nays demanded.

Ayes—Messrs Colby, Francisco, Parker, Robbins, Steck, Willis
and Mr President—7.

Nays—Mr. Graham.

Council concurred.

Mr. Willis introduced C B No. 56, a bill for "An act concerning
marks and brands for animals,"

Read first and second time,

And referred to committee of the Whole.

H B No. 106, a bill for "An act concerning divorce and alimony,"

Read third time.

Passed.

Title agreed to.

C B No. 54, a bill for "An act to provide for service of process
until the election of Sheriffs and Coroners in this Territory,"

Bill was read third time.

Passed.

Title agreed to.

H B No. 148, a bill for "An act concerning line fence,"

Read third time.

Passed.

Title agreed to.

H B No. 111, a bill for "An act to establish a legal tender for the
Territory of Colorado,"

Was taken up,

Recommendation of committee of the Whole, that the bill be laid on the table, was adopted.

C B No. 55, a bill for "An act to incorporate the Huerfano and Fort Garland Wagon Road Company,"

Was taken up,

Read third time.

Passed.

Title agreed to.

H B No. 133, a bill for "An act to change the name of Guadalupe County to Canejos County,"

Read third time.

Passed.

Title agreed to.

H B No. 163, a bill for "An act to establish a ferry across the Rio Grande del Norte at La Loma del Norte,"

Read third time.

Passed.

Title agreed to.

H B No. 164, a bill for "An act relative to a ferry across the Rio Grande del Norte,"

Bill read third time.

Passed.

Title agreed to.

H B No. 161, a bill for "An act to regulate proceedings on writs of mandamus,"

Bill was read third time.

Passed.

Title agreed to.

H B No. 152, a bill for "An act to incorporate the Buckskin Joe Ditch Company,"

Read third time.

Passed.

Title agreed to.

H B No. 82, a bill for "An act establishing the mode of locating and changing county seats,"

Bill was read third time.

Passed.

Title agreed to.

On motion,

Joint Resolution appointing committee to examine laws of the Territory. Was laid upon the table.

H B No. 54, a bill for "An act to incorporate the Denver, Golden Gate and Gregory Road Company,"

Was taken up.

Upon the question, shall the amendments of the committee of the Whole be adopted.

Ayes and nays demanded.

Ayes—Messrs Francisco, Graham, Mather, Parker and Steck—5.

Nays—Messrs Colby, Robbins, Willis and Mr. President—4.

Adopted.

Bill read third time.

Mr Robbins moved it be postponed until morning.

Ayes and nays demanded.

Ayes—Messrs Colby, Francisco, Robbins, Willis, and Mr President—5.

Nays—Messrs Graham, Mather, Parker and Steck—4.

Carried.

H B No. 150, a bill for "An act to establish the "University of Colorado," was taken up. On motion,

Amendments of the committee of the Whole were adopted.

Bill was read third time.

Passed, as amended.

Title agreed to.

H B No. 113, a bill for "An act fixing the time of meeting of the Legislature," was taken up.

Mr Willis moved that a committee of three be appointed to correct and amend the bill.

Mr Robbins moved that the bill be indefinitely postponed.

Ayes and nays demanded.

Ayes—Messrs Colby, Robbins, Willis and Mr President—4.

Nays—Messrs Francisco, Graham, Mather, Parker and Steck—5.

Lo st.

Question recurred on motion of Mr Willis.

Carried.

Messrs Willis, Graham and Robbins were appointed by the chair such committee. On motion,

Council went into committee of the Whole on the general file.

Mr Steck in the chair.

Committee rose and made the following report:

The committee of the Whole respectfully report the following bills to the Council, with such recommendations as below are set forth:

J M No. 7, J M No. 8, C B No. 56, H B's Nos. 171, 156, 139,

Without amendment, and recommend them to the favorable action of the Council.

The committee also report

H B No. 100, and recommend its indefinite postponement,

H B No. 101, is

Amended by the committee, as follows:

Section 6 is amended, so that the tolls to be collected by the provisions of said section, shall be one-half of those mentioned in said section, and also by adding to said bill an additional section, (No. 11,) as follows:

"The Legislative Assembly shall have power, hereafter, to alter, modify or repeal this act.

H B No. 159, is

Amended by inserting, in section 6, after the word "two," in the third line, the words "neither of which shall be located on the east side of the crossing of the Consolidated Ditch." Also, by adding to said act, as an additional section, as follows:

Sec. 11. This act to continue in force for the term of five years from the date of its passage; and it is hereby provided that the county of Clear Creek shall have the privilege of purchasing said road, upon the payment of fifteen hundred dollars to the above-named incorporators at any time before the expiration of said term.

The committee also amended C B No. 50,

By striking out section 6, in said bill; also, by striking out the word "twenty," in section 3, and inserting, instead, the word "ten;" also, by striking out, in section 2, the words "which may be increased to any amount, not to exceed ——— dollars."

And it is reported to the Council without recommendation.

H B No. 85, is also

Amended by striking out, in section 3, the word "ten," and inserting, instead, the word "five;" and also, by striking out, in the same section, after the words "cattle and sheep," to the word "who," and inserting, instead, the words "any person who shall refuse;" and also amended by adding

Sec. 5. That no person or corporation shall be allowed to construct any bridge or bridges to the damage of the corporators mentioned in this act, within five miles of said bridge, on either side; but this section shall not be so construed as to prevent any farmer or ranchmen from constructing a bridge over the said Platte, for his own convenience: but any person constructing any such private bridge, shall not collect toll upon such bridge, nor allow the passage of teams, oxen or cattle, to the damage of the incorporators mentioned in this act.

H B No. 121, is also

Amended by striking out the words "Guadaloupe," in section 3, and inserting, instead thereof, the word "Conejos;" also, by striking out the names of Benj. F. Hall, in section 2, and Charles Lee Armour, in section 3; and with these amendments, is recommended to the Council to be passed. Respectfully,

AMOS STECK, Chairman.

Report received.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
Nov. '6, 1861. }

Hon President of the Council:

I am instructed to inform the Council that the House has passed C B No. 2, a bill for "An act to incorporate the Rocky Mountain and Pittsburg gold mining company,"

Without amendment. Also,

C B No. 41, a bill for "An act to incorporate the Bank of Colorado," with the following amendment to section 38, to-wit:

Striking out "a," in first line, before "Commissioners," and insert "three."

And the concurrence of the Council is respectfully requested.

F. H. PAGE, Chief Clerk.

On motion, special rules were suspended, and

Mr Graham introduced

C B No. 57, a bill for "An act to incorporate the La Porte town company."

Read first and second time, and

Referred to committee on Incorporations.

On motion to adjourn,

Ayes and nays demanded.

Ayes—Messrs. Parker, Steck, Willis and Mr President—4.

Nays—Messrs. Colby, Francisco, Graham, Mather and Robbins—5.

Lost.

C B No. 41, a bill for "An act to incorporate the Bank of Colorado," returned from the House, was taken up.

On the question, shall the bill be laid on the table,

Ayes and nays demanded.

Ayes—Messrs. Graham, Mather, Parker and Steck—4.

Nays—Messrs. Colby, Francisco, Robbins, Willis and Mr President—5.

Lost.

Mr Willis moved that the Council concur in House amendment to the bill.

Ayes and nays demanded.

Ayes—Messrs. Colby, Francisco, Robbins, Willis and Mr President—5.

Nays—Messrs. Graham, Mather, Parker and Steck—4.

Carried.

On motion, Council adjourned.

COUNCIL CHAMBER, }
Thursday, Nov. 7, 1861. }

Council met pursuant to adjournment.

President in the chair.

Prayer by the Chaplain.

A quorum present.

Absent—none.

Journal read and approved.

Message from the House of Representatives.

HOUSE OF REPRESENTATIVES, }
November 7, 1861. }

Hon. President of the Council:—

I am instructed to inform the Council, that the House has passed J R No. 5, "Joint resolution relative to pay of clerks of the first Legislative Assembly," and the concurrence of the Council is respectfully requested.

F. H. PAGE, Chief Clerk.

The following bills were read first time:

H B No's. 172, 173, 183, 181, 182, 168, 141, 184, 192, 191, 187, 185, 175, 167, 166, J R No. 5, and J M No. 8.

H B No. 95,

Read second time, and

Referred to committee of the Whole.

H B No. 142,

Read second time, and

Referred to committee of the Whole.

Mr Willis moved that the bills read first time to-day, be read second time, by suspension of the rules.

Mr Steck demanded the ayes and nays.

Ayes—Messrs. Francisco, Graham, Robbins, Willis and Mr President—5.

Nays—Messrs. Mather, Parker and Steck—3.

There not being a majority of two-thirds, the motion was lost.

On motion, rules were suspended, and

J R No. 5, "Joint resolution relative to pay of clerks," was

Read second time, and

Referred to committee of the Whole.

On motion of Mr Colby,

A call of the Council was ordered:

Absent—Mr Willis and Mr President.

Absentees appeared, and

On motion,

Further proceedings under the call were dispensed with.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
November 7, 1861. }

Hon. President of the Council:

I am instructed to inform the Council that the House has concurred in Council amendment to

H B No. 34, a bill for "An act relating to the fees of officers, jurors and witnesses," by amending as follows:

Striking out all after the word "fee," in second line, to and including the word "fee" in ninth line, and the concurrence of the Council is respectfully requested.

F. H. PAGE, Chief Clerk.

Message from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TER. }
Denver, November 7, 1861. }

To the President of the Council:

SIR:—I have approved and signed acts entitled,

"An act to incorporate the Colorado and Pacific wagon, telegraph and railroad company;"

"An act declaratory of the rights of occupants of the public domain, except as against the United States;"

“An act to incorporate the Rocky Mountain and Pittsburg gold mining company.”

Very respectfully,

WILLIAM GILPIN,
Governor of Colorado Territory.

On motion,
Amendments of committee of the Whole, to
H B No. 159, a bill for “An act to incorporate the Central City and Georgetown road company,” were adopted.

Bill read third time.

Passed.

Title agreed to.

H B No. 54, a bill for “An act to incorporate the Denver, Golden City and Gregory road company,” was taken up.

Bill read third time.

Passed.

Title amended so as to read

“An act to incorporate the Golden City and Gregory road company.”

On motion, Council adjourned.

AFTERNOON SESSION.

Council met.

President in the chair.

A quorum present.

H B No 43, a bill for “An act relating to the fees of officers, jurors and witnesses,” returned from the House amended, was taken up.

Mr Willis moved that the Council insist upon its amendments,
Ayes and nays demanded.

Ayes—Messrs Colby, Francisco, Parker, Willis and Mr President—5.

Nays—Messrs Graham, Mather, Robbins and Steck—4. Carried.

H B No 139, a bill for “An act to incorporate the Iowa ditch company.”

Read third time.

Ayes and nays demanded on its passage.

Ayes—Messrs Francisco, Graham, Mather, Parker, Willis and Mr President—6.

Nays—Messrs Colby, Robbins and Steck—3.

Passed.

Title agreed to.

The select committee to whom was referred

H B No 113, a bill for “An act to provide for additional members of the Council and House of Representatives of Colorado Territory, and fixing the time of meeting of the Legislature,” made the following report:

The committee have examined H B No 113, and report the same back; amended by striking out all of section three, after the word "each" at the end of the third line; and striking out all of section four and inserting the following districts:

First Council District—Douglas, Arapahoe, Weld and Larimer counties—one Councilman.

Second Council District—Jefferson, Gilpin, Clear Creek and Boulder counties—one Councilman.

Third Council District—Park, Summit and Lake counties—one Councilman.

Fourth Council District—Fremont, El Paso, Huerfano, Costilla and Conejos counties—one Councilman.

First Representative District—Larimer, Weld, Boulder and Jefferson counties.

Second and third Representative Districts—Arapahoe and Douglas counties.

Fourth and Fifth Representative Districts—Gilpin county.

Sixth Representative District—Clear Creek county.

Seventh Representative District—Park county.

Eighth Representative District—Summit county.

Ninth Representative District—Lake county.

Tenth Representative District—El Paso county.

Eleventh Representative District—Fremont and Huerfano counties.

Twelfth Representative District—Costilla county.

Thirteenth Representative District—Conejos county.

R. B. WILLIS, Chairman.

Report received.

Mr Graham moved to strike out "Boulder" in first Representative District, and insert the same in the second District.

Carried.

Bill was read third time.

Passed.

Title amended so as to read "An act to provide for the increase and time of meeting of the Legislature."

The committee on incorporations to whom was referred, H B No 91, a bill for an act to incorporate the Altonia town company." Also,

C B No 57, a bill for "An act to incorporate the Laporte town company," report the same back to the Council and recommend their consideration in committee of the Whole.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES,
November 7, 1861. }

Honorable President of the Council:

I am instructed to inform the Council that the House has passed H B No 188, a bill for "An act concerning the Penitentiary,"

H B No 189, a bill for "An act to locate the Penitentiary of Colorado Territory," and the concurrence of the Council is respectfully requested, Also,

C B No 54, a bill for "An act to provide for serving process until the election of sheriffs and coroners in this Territory," without amendment. C B No 15, a bill for "An act to incorporate the Silver Spring mining company," amended by striking out section six, and the concurrence of your Honorable body is respectfully requested.

F. H. PAGE Chief Clerk..

C B No 15, a bill for "An act to incorporate the Silver Spring mining company," returned amended from the House, was taken up.

On motion Council concurred in House amendment.

Mr Colby moved that the rule requiring bills to be read first and second time on separate days, be suspended.

Carried.

On motion,

H Bs No 156, 141 and 175 were read second time and referred to committee of the Whole.

H B No. 121, a bill for "An act concerning the District and Supreme Courts," was taken up.

Mr. Steck offered the following amendment to-wit:

There shall be held at the county seat in each county, comprising each Judicial District, at least two terms of the court in each year, which terms of the court shall be held at such times as the said Judges in their respective districts shall determine.

Ayes and nays demanded

On adopting amendment of the committee of the Whole.

"Striking out the name of B. F. Hall in section 2, and the name of Charles Lee Armour in section 3.

Ayes—Messrs Colby, Francisco, Parker and Willis—4.

Nays—Messrs Graham, Mather, Robbins, Steck and Mr President—5.
Lost.

Read third time,

Bill passed as amended.

Title amended so as to read "An act concerning the Supreme and District Courts."

C B No 56, a bill for "An act concerning marks and brands for animals,"

Read third time.

Passed.

Title agreed to.

J M No. 7, Joint Memorial relating to a daily mail from Denver to Mountain City."

Read third time.

Passed.

Title agreed to.

Joint Resolution asking for the appointment of an Assistant Postmaster General or general postal agent to reside in Denver,"

Read third time.

Passed.

H B No. 171, a bill for "An act to incorporate the Georgia Bar and Arkansas River Fluming Company."

Read third time.

Passed.

Title agreed to.

H B No. 156, a bill for "An act to incorporate the Cash Creek and Lake Park Ditch Company,"

Read third time.

Passed.

Title agreed to.

H B No. 85, a bill for "An act to incorporate the St. Vrain Ditch Company,"

Was taken up.

On motion,

Amendments of the committee of the Whole

Were adopted.

Read third time.

Passed.

Title agreed to.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES,
November 7, 1861. }

Hon. President of the Council:

I am instructed to inform the Council that the House has concurred in Council amendment to H B No. 54, to-wit:

In striking out the words, "to Guy House," and insert "to its head where it intersects the main road to Gregory's Diggings," but refuse to concur in amendments striking out the words, "the City of Denver by way of Golden City," in 6th line of section 2, and in striking out the words, "fifty cents" in seventh line, and inserting the words, "twenty-five cents."

F. H. PAGE, Chief Clerk.

H B No. 101, a bill for "An act to incorporate the Idaho and Missouri City Wagon Road Company,"

Was taken up.

On motion,

Amendments of committee of the Whole,

Were adopted.

Bill was read third time.

Passed.

Title agreed to.

C B No. 53, a bill for "An act to incorporate the Blue River Mining Company,"

Was taken up.

On motion,

The names of Felix Posnanski and G. G. Bissel, were added to the list of corporators.

Bill was read third time.

Passed.

Title amended so as to read "An act to incorporate the Blue River Mining and Fluming Company."

On motion,

H B No. 100, a bill for "An act to incorporate the Vasquez River Mining Company,"

Was laid upon the table.

Joint Resolution relative to pay of Clerks,

Was taken up,

And amended by striking out the words, "fifteen cents," and by striking out all relating to the pay of first and Assistant Clerks.

On motion,

Council took a recess until half-past 6 o'clock, P. M.

EVENING SESSION.

6½ O'CLOCK, P M.

Council met.

President in the chair.

A quorum present.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
November 7th, 1861. }

Hon. President of the Council:

I am instructed to inform the Council, that the House has concurred in Council amendments to H B No. 113, with an amendment adding, "Pueblo County" to the 10th Representative District, and to the 4th Council District.

Also,

That the House has passed

C B No. 38, a bill for "An act to incorporate the New Mexico and Colorado Joint Stock, Gold, Silver and Copper Mining Company."

Amended by striking out, in section 1, the words, "five hundred thousand dollars," and inserting the words, "one hundred thousand dollars;" also, striking out the words "an amount necessary for the accomplishment of the objects and purposes of this act," and inserting the words, "five hundred thousand dollars."

Also, striking out all after the word "copper," in fifth line from the last, and inserting the words "in Colorado and New Mexico." Also, striking out the word "twenty," in section 12, and inserting the word "fifteen." Also,

Joint resolution relative to exchange of statutes.

And your concurrence is respectfully requested.

F. H. PAGE, Chief Clerk.

C B No. 38, a bill for "An act to incorporate the Colorado and New Mexico joint stock, gold, silver and copper mining company," returned amended from the House,

Was taken up.

Ayes and nays demanded on concurrence in House amendments.

Ayes—Messrs Colby, Graham, Mather, Robbins, Willis and Mr President—6.

Nays—Mr Parker—1.

Carried.

On motion,

Council concurred in House amendment to H B No. 113.

H B No. 185, a bill for "An act to incorporate the Colorado Grand Lodge of Free and Accepted Masons."

Read second and third times.

Passed.

Title amended so as to read

"An act to incorporate the Grand Lodge of Free and Accepted Masons of Colorado.

H B No. 190, a bill for "An act concerning Clerks of the courts,"

Was taken up.

Mr Steck offered the following amendment, to-wit:

Sec. 2. The Clerk of each District Court shall appoint a Deputy Clerk or Deputy Clerks in each county except the county in which said Clerk shall reside, the Judge of said District approving the appointments, respectively; said Deputy Clerks shall have the same powers, and execute the duties of Clerks, within the counties for which said Deputy Clerks shall be appointed.

Adopted.

Bill was read third time.

Passed.

Title agreed to.

The committee on Incorporations, to whom was referred

H B No. 90, a bill for "An act to incorporate Canon City," and

H B No. 89, a bill for "An act to incorporate the city of Pueblo,"

Have considered the same, and report the same back to the Council without amendment, and recommend their consideration in committee of the Whole.

A. U. COLBY, Chairman.

Report received.

H B No. 91, a bill for "An act to incorporate the Altonia town company."

Read third time.

Passed.

Title agreed to.

"Joint resolution relative to pay of Clerks,"

Was taken up.

Mr Mather offered the following amendment:

The Enrolling and Engrossing Clerk of the Council shall receive the sum of seven dollars per diem, for his services as such Clerk, for so much time as he shall have been in the service of the Council.

The Assistant Clerks who have been employed by the Council shall receive the sum of six dollars per diem, for the time which they have been employed by the Council.

The Secretary and Assistant Secretary of the Council shall be allowed, in addition to their regular compensation, the sum of five dollars per diem.

The Sergeant-at-Arms and Foreman of the Council shall be allowed, in addition to their regular compensation, the sum of three dollars per diem.

The Clerks, Foreman and Sergeant-at-Arms, heretofore mentioned, shall present their accounts to the President of the Council, who shall certify to the correctness of the same, and such account shall be presented to the Territorial Auditor, who shall issue his warrants on the Territorial Treasurer, who shall pay the same out of any monies not otherwise appropriated.

Adopted.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES. }
November 7, 1861. }

Hon. President of the Council:

I am instructed to inform the Council, that the House has passed H B No. 193, a bill for "An act supplementary to An act to incorporate the city of Denver."

C B No. 52, a bill for "An act to authorize Charles Autbees to erect and keep a ferry across the Arkansas River,"

And recommend its amendment as follows:

In section 1, striking out the word "five," and inserting the words "two and a-half; and striking out the words "twenty," and inserting the word "ten." Also,

In section 2, striking out the words "one dollar and fifty cents," and inserting the words "one dollar." Also,

Striking out the words "fifty cents," and inserting the words "twenty-five cents." Also,

Striking out the words "twenty-five cents," and inserting the words "ten cents." Also,

Striking out the word "and," and insert the words "drawn by."

Also, C B No. 43, a bill for "An act to incorporate the Breckinridge, Buckskin Joe and Hamilton wagon road company,"

And amended the same

By striking out the word "asses," in section 6. Also,

By adding an additional section, as follows:

"That nothing in this act shall give the said company any right or privilege on any part of said road that may pass over any other road incorporated by this Legislature, without permission of such other company."

And the concurrence of the Council is respectfully requested.
F. H. PAGE, Chief Clerk.

Message from the Governor:

EXECUTIVE DEPARTMENT, COL. TER., }
November 7, 1861.

To the President of the Council:

SIR:—I have approved and signed acts entitled

“An act to incorporate the Silver Spring mining company;”

“An act to protect the rights of married women;”

“An act to provide for serving process, until the election of Sheriffs and Coroners, in this Territory.”

By the act of Congress, approved July 1st, 1836, it is provided,

“That no act of the Territorial Legislature of any of the Territories of the United States, incorporating any Bank, or any institution with Banking powers or privileges, hereafter to be passed, shall have any force or effect whatever, until approved and confirmed by Congress;”

Under this qualification, I have approved and signed

“An act to incorporate the Bank of Colorado,” and will cause it to be transmitted specially to Congress.

Very respectfully,

WILLIAM GILPIN,
Governor of Colorado Territory.

A private communication was received from the Governor, and

On motion,

Council went into Executive session.

After some time spent therein, the Council resumed consideration of general business.

H B No. 193, a bill for “An act supplementary to An act to incorporate the city of Denver,”

Was taken up.

Bill was read first, second and third times.

Passed.

Title agreed to.

H B No. 189, a bill for “An act to locate the Penitentiary of Colorado Territory.”

Read first and second times, and

Referred to committee of the Whole.

H B No. 188, a bill for “An act concerning the Penitentiary.”

Read first and second times, and

Referred to committee of the Whole.

On motion, Council went into committee of the Whole on the general file.

Mr Mather in the chair.

Committee rose and made the following report:

The committee of the Whole have had under consideration

H B No's. 188 and 189, and recommend that they be laid upon the table.

They have also considered

H B No's. 181, 95, 173, 183, 191, 172, 90, 182, 175, and recommend their passage.

They also recommend that

H B No. 142, be indefinitely postponed. Also that

C B No. 57, be laid upon the table.

C. W. MATHER, Chairman.

Report received.

A private communication from the Governor was received, and

On motion,

Council went into Executive session.

After some time spent therein, Council resumed consideration of general business.

On motion,

Council took a recess of twenty minutes.

Council met.

Mr Robbins moved a call of the Council.

Carried.

Absent—Mr Colby.

The absentee appeared, and on motion, further proceedings under the call were dispensed with.

A private communication from the Governor was received.

Mr Steck moved that the Council go into Executive session.

Mr Robbins moved to lay the motion on the table.

Ayes and nays demanded.

Ayes—Messrs. Colby, Francisco, Robbins, Willis and Mr President—5.

Nays—Messrs. Graham, Mather, Parker and Steck—4.

Carried.

Mr Robbins moved that

H B No. 54, be taken up, pending which,

Mr Steck moved a call of the Council.

Carried.

Absent—Mr Colby.

Absentee appeared and, on motion, further proceedings under the call were dispensed with.

On motion of Mr Steck,

Council went into Executive session. After some time spent therein,

Council resumed consideration of

H B No. 54, returned, amended, from the House.

Mr Graham moved that the bill be indefinitely postponed.

Lost.

Message from the House of Representatives.

HOUSE OF REPRESENTATIVES,
November 7, 1861. }*Mr. President:—*

I am instructed to inform the Council, that the House concurs in Council amendment to

J R No. 5, "Relative to the pay of clerks," and amended the Council amendment, as follows:

"That the Secretary and assistant Secretary of the Council, shall receive the sum of three dollars per diem, each, and your concurrence is respectfully requested.

F. H. PAGE, Chief Clerk.

Joint resolution relative to the exchange of statutes, was
Read first, second and third times.

Passed.

Title agreed to.

C B No. 52, a bill for "An act granting exclusive right to Charles Autbees to maintain a ferry across the Arkansas River," returned, amended, from the House, was taken up.

On motion,

Council concurred in House amendment.

On motion,

Council concurred in House amendment to

Joint resolution, "relative to the pay of the clerks of the first Legislature of Colorado."

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Nov. 7, 1861. }*Hon President of the Council:*

I am instructed to inform the Council that the House has passed the following joint resolutions:

J R No 6, "Joint resolution supplemental to J R No. 5;" also,
J R No. 7, "Joint resolution relative to a tri-weekly mail from Denver City to Hamilton,"

And your concurrence is respectfully requested.

F. H. PAGE, Chief Clerk.

Mr Parker moved that the Council take a recess.

Mr Mather asked leave to withdraw the motion.

Mr Robbins objected.

The chair ruled that Mr Mather could withdraw his motion.

Mr Robbins appealed from the decision, and called for the ayes and nays.

Ayes—Messrs Francisco, Graham, Mather, Parker and Mr President—5.

Nays—Messrs Colby, Robbins and Willis—3.

Chair sustained.

C B No 43, a bill for "An act to incorporate the Breckinridge, Buckskin Joe and Hamilton Wagon road company," was taken up.

On motion, Council concurred in House amendments.

H B No 181, a bill for "An act to incorporate the Cash Creek fluming company."

Read first, second and third time.

Passed.

Title agreed to.

H B No 172, a bill for "An act to incorporate the Gold Run tunnel company."

Read first, second and third time.

Passed.

Title agreed to.

H B No 173, a bill for "An act to incorporate the Pioneer tunneling company, No. 1, of Gold Hill."

Read first, second and third time.

Passed. Title agreed to.

House Joint Resolution No 6, "Joint Resolution supplementary to J. R. No 5."

Read first, second and third time.

Passed.

Mr Parker moved that a call of the Council be ordered.

Lost.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
November 7, 1861. }

Hon. President of the Council:—

I am instructed to inform the Council that the House has passed J R No. 8, "Joint Resolution relative to the pay of chaplains," and your concurrence is respectfully requested.

F. H. PAGE, Chief Clerk.

On motion,

J R No. 8, "Joint Resolution relative to the pay of chaplains," was

Read first, second and third times.

Passed.

Message from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY, }
Denver, November 7, 1861. }

To the President of the Council:

SIR:—I have this day approved and signed acts, entitled

An act granting exclusive right to Charles Autbees, to maintain a ferry across the Arkansas River, five miles above and five miles below the mouth of the Huerfano.

An act to incorporate the Colorado and New Mexico Joint Stock, Gold, Silver and Copper Mining Company.

Very respectfully,

WILLIAM GILPIN,
Governor of Colorado Territory.

Message from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
November 7, 1861. }

Mr President:

I am instructed to inform the Council, that in accordance with a resolution passed the House,

“That a committee of two members from the House, and one from the Council, be appointed to wait upon the Governor, and ask if he has any further communications to make,”

The House has appointed Messrs. Chaffee and Wilhite, such committee on the part of the House.

F. H. PAGE, Chief Clerk.

In accordance with the above resolution,

The President appointed Messrs Parker and Colby to act with the House committee.

Message from the Governor:

EXECUTIVE DEPARTMENT, COLORADO TER., }
Denver, Nov. 8, 1861. }

To the President of the Council:

SIR:—I have approved and signed an act entitled

“An act to incorporate the Breckinridge, Buckskin Joe and Hamilton road company.

Respectfully,

WILLIAM GILPIN,
Governor of Colorado Territory.

Messrs Scudder and Crocker, a committee from the House, appeared and announced that the House was ready to adjourn.

Mr Parker, chairman of the committee appointed to wait upon the Governor, to ask if he had any further communications to make, offered the following report:

The committee appointed on the part of the Council to wait upon the Governor, with a like committee from the House, to inform His Excellency that the Assembly is about to adjourn, and to inquire if he has any further communications to make, report that the Governor has informed your committee that he has no further communication to make, but requested your committee to inform the members of the Council that he has examined the Acts that have been passed, and finds them to be solid, explicit and patriotic; and to convey to you his compliments, and to express the hope that you may enjoy a safe and pleasant journey to your respective homes, and meet with a warm reception from your constituents on your return.

H. F. PARKER, Chairman.

Report received and committee discharged.

The hour having arrived at which both houses agreed to adjourn,
The President declared the Council adjourned, *sine die*.

S. L. BAKER;

SECRETARY OF THE COUNCIL.
